Final
Supplemental Environmental Impact Report
BART Warm Springs Extension
Response to Comments

SCL #2002032041

Prepared for:

BART

Prepared by:

Jones & Stokes

June 2003

Final

Supplemental Environmental Impact Report
BART Warm Springs Extension
SCL #2002032041

Prepared for:

San Francisco Bay Area Rapid Transit District
800 Madison Street – Lake Merritt Station
Oakland, CA 94604-2688
Contact: Richard C. Wenzel
Environmental Project Director
Telephone: 510-287-4950

Prepared by:

Jones & Stokes

June 2003

Jones & Stokes. 2003. Final supplemental environmental impact report BART Warm Springs extension. June. (J&S 02-041.) Oakland, CA. Prepared for San Francisco Rapid Transit District. 800 Madison Street – Lake Merritt Station. Oakland, CA.

Contents

Page

Section 1 Introduction 1-1
1.1 Project Overview 1-1
1.1.1 Project Description 1-1
1.1.2 Project Alternatives 1-2
1.2 Purpose of the FSEIR 1-2
1.3 Format of the Response to Comments Volume 1-2

Section 2 Comments on the DSEIR and Responses 2-1
2.1 List of Comments Received 2-1
2.2 Comment Letters and Responses 2-10

Section 3 Revisions to the DSEIR 3-1

Section 1
Introduction

1.1 Project Overview

In 1992, the San Francisco Bay Area Rapid Transit District (BART) adopted the Warm Springs Extension (WSX) project, consisting of a 5.4-mile, two-station extension of the BART system south from the existing Fremont Station to Warm Springs (Adopted Project). The Adopted Project was not constructed because sufficient funds were not available. BART is now proposing to adopt certain modifications and updates to the Adopted Project. The revised project, referred to herein as the Proposed Project, consists of a 5.4-mile extension of the BART system south from the Fremont Station, with a new station at Warm Springs and an optional station at Irvington. Due to changes in the project and in the surrounding circumstances since 1992, the Proposed Project is evaluated in this final supplemental environmental impact report (FSEIR).

On March 25, 2003, BART distributed a draft supplemental environmental impact report (DSEIR) to public agencies and the general public for comment. The DSEIR is a supplement to the environmental impact report (EIR) certified by the BART Board in 1992 (1992 EIR), at the time that the Adopted Project was originally adopted. As then proposed, the Adopted Project consisted of a 5.4-mile, two-station extension of the BART system south of the existing Fremont Station, with new stations at Irvington and Warm Springs and an aerial BART alignment over Lake Elizabeth in Fremont Central Park. In addition, BART also approved a subway alignment under Lake Elizabeth as a design option contingent on availability of local funding. The Proposed Project addressed in the DSEIR is a 5.4-mile extension from the existing Fremont BART Station with a subway alignment under Fremont Central Park and Lake Elizabeth to a terminus station at Warm Springs. An optional Irvington Station is analyzed as part of the Proposed Project. The Proposed Project is intended to provide new BART service to southern Fremont and to improve the regional transit network.

1.1.1 Project Description

The Proposed Project would consist of constructing and operating a 5.4-mile extension south from the Fremont BART Station to a terminus at Warm Springs, with an optional Irvington Station. The extension alignment would generally parallel portions of the Union Pacific (UP) railroad corridor and Interstates 680 and 880 in southern Alameda County. The initial segment of the Proposed Project would begin on an embankment at the southern end of the existing elevated Fremont BART Station. The alignment would pass over Walnut Avenue on an aerial structure and descend into a cut-and-cover subway north of Stevenson Boulevard. The alignment would continue southward in the subway structure under Fremont Central Park and the eastern arm of Lake Elizabeth, and surface to at grade north of Paseo Padre Parkway. The alignment would pass over grade-separated Paseo Padre

Parkway, and then continue southward at grade, passing under grade-separated Washington Boulevard. From Washington Boulevard, the Proposed Project alignment would continue at grade south to a terminus station at Warm Springs and South Grimmer Boulevards in the Warm Springs district. The Proposed Project includes an optional Irvington Station in the Irvington District at the Washington Boulevard/Osgood Road intersection.

1.1.2 Project Alternatives

The 1992 EIR examined a reasonable range of feasible alternatives, including 11 alignments and 6 design options. Alternatives described and analyzed in the DSEIR included the 2003 No-Project Alternative and the proposed Bus Alternative. Project alternatives considered but rejected in the DSEIR were the 1992 EIR alternatives, taxi service from Warm Springs to Fremont, chauffeur-driven limousine from Warm Springs to Fremont, Capitol Corridor passenger rail service, and commuter rail. The DSEIR provides a focused environmental analysis of the Proposed Project

1.2 Purpose of the FSEIR

Under the California Environmental Quality Act (CEQA), BART is required, after completion of a DSEIR, to consult with and obtain comments from public agencies having jurisdiction by law with respect to the Proposed Project, and to provide the general public with an opportunity to comment on the DSEIR. As the lead agency, BART is also required to respond to significant environmental issues raised in the review and consultation process.

This response to comments volume has been prepared to respond to public agency and general public comments received on the DSEIR for the WSX project, which was circulated for a 45-day public review period, March 25, 2003 to May 9, 2003, and to respond to verbal comments received at the public hearing, which was held on April 14, 2003. This document contains the public comments received on the DSEIR, written responses to those comments, and changes made to the DSEIR in response to the comments.

The FSEIR consists of three documents: the DSEIR; Appendices C–P to the DSEIR; and this response to comments volume. If the BART Board decides to adopt the project, it must consider the 1992 EIR and the FSEIR, including the responses to comments, and make specific findings that the FSEIR complies with CEQA.

The 1992 EIR and the FSEIR and supporting documentation are available at selected local libraries in Fremont, Newark, and Union City, and at 1000 Broadway, Suite 620, Oakland, CA 94607.

1.3 Format of the Response to Comments Volume

This document has been prepared as an addendum to the DSEIR, as allowed by Section 15088(c) of the CEQA Guidelines. The document includes the following sections.

- **Section 1. Introduction.**
- **Section 2. Comments on the DSEIR and Responses.** During the public review period, comments were received on the DSEIR from state, regional, and local agencies; public groups

and organizations; private companies and firms, and individuals. Section 2 contains copies of all the written comments on the DSEIR and all the verbal comments received at the public meeting (in the form of the written transcript of the meeting). Table 2-1 lists each letter and comment received on the DSEIR.

Each letter and each comment within each letter has been numbered. Each letter is given an identifying name in the top margin (e.g., Letter 2), with individual comments within the letter numbered in the right margin (e.g., 2-3 for the third comment in the second letter). Each letter is followed by responses to all the comments contained in the letter in order of occurrence. The response numbers correspond to the comment numbers.

The verbal comments in the written transcript of the public meeting are numbered similarly. The text of each commenter is given an identifying name, with individual comments numbered with in the right margin.

Section 2 also provides responses to substantive and significant environmental issues raised in the comments as required by the CEQA Guidelines Section 15132. Detailed responses are not provided to comments on the merits of the Proposed Project. When a comment is not directed to significant environmental issues related to the Proposed Project and/or the DSEIR, the comment is noted but no response is warranted.

Responses to comments generally provide clarification, explanation, or elaboration. In some cases, the responses indicate that changes, modifications, or corrections to the text of the DSEIR are required.

- **Section 3. Revisions to the DSEIR.** Section 3 contains revisions to text from the DSEIR that has been amended as a result of comments received during the public review process. Section 3 also provides modifications and corrections to the text of the DSEIR and correction of minor typographical errors identified by BART. Changes to the DSEIR are shown with page revisions in the order in which they appear in the DSEIR. Text in standard print is original text from the DSEIR. Underscored (underscored) text indicates additions to the original text, and strikethrough (~~strikethrough~~) text indicates deletions to the original text.

Section 2
Comments on the DSEIR and Responses

This section contains written and transcribed verbal comments received during the DSEIR public review period and responses to the comments. The responses to the written comments follow each letter, and the responses to the verbal comments follow the entire transcript of the public meeting.

This section also contains the Acknowledgement of Receipt from the California Governor's Office of Planning and Research, which acknowledges that the State Clearinghouse received the DSEIR and indicates to which agencies it distributed the DSEIR.

2.1 List of Comments Received

Table 2-1 below lists the names of the agencies, organizations, companies, and individuals that provided comments on the DSEIR during the public review period, and the names of the individuals who commented during the public meeting. The table also indicates the letter number, date of correspondence, comment number, and general nature of the comment.

Table 2-1. List of Comment Letters by Category

Letter	Commenter	Date	Comment	Topic
	STATE AGENCIES			
1	Governor's Office of Planning and Research, State Clearing House	05-09-03	1-1	General
2	Regional Water Quality Control Board	05-07-03	2-1	Hydrology
			2-2	Hydrology
			2-3	Hydrology
			2-4	Hydrology
			2-5	Hydrology
			2-6	Hydrology
3	California Department of Transportation	05-06-03	3-1	General
	REGIONAL AGENCIES			
4	AC Transit	05-08-03	4-1	General

Letter	Commenter	Date	Comment	Topic
			4-2	Alternatives
			4-3	Alternatives/Transportation
			4-4	Transportation
			4-5	Land Use
			4-6	Station Planning
5	Alameda County Congestion Management Agency	05-07-03	5-1	Transportation
			5-2	Transportation
			5-3	Transportation
			5-4	Transportation
			5-5	Transportation
6	Alameda County Transportation Improvement Authority	05-09-03	6-1	Process
			6-2	Transportation
			6-3	Transportation
			6-4	Transportation
7	Alameda County Water District	05-08-03	7-1	Hydrology
			7-2	Hydrology
			7-3	Hydrology
			7-4	Hydrology
			7-5	General
8	Bay Area Air Quality Management District	05-09-03	8-1	Air Quality/Land Use
			8-2	General
9	County of Alameda Public Works Agency	05-09-03	9-1	Hydrology
			9-2	Hydrology
			9-3	Hydrology
			9-4	Hydrology
			9-5	Hydrology
			9-6	Hydrology
			9-7	Hydrology
10	Santa Clara Valley Transportation Authority	05-09-03	10-1	General
	CITIES			
11	City of Fremont, Development and Environmental Services Department	05-09-03	11-1	Station Planning
			11-2	General/Process

Letter	Commenter	Date	Comment	Topic
			11-3	General
			11-4	General
			11-5	Transportation
			11-6	Station
			11-7	Utilities
			11-8	Hydrology
			11-9	Cumulative Impacts
			11-10	Hydrology
			11-11	Hydrology
			11-12	Hydrology
			11-13	Hydrology
			11-14	Hydrology
			11-15	Biological Resources
			11-16	Biological Resources
			11-17	Biological Resources
			11-18	Biological Resources
			11-19	Biological Resources
			11-20	Biological Resources
			11-21	Land Use
			11-22	Land Use
			11-23	Land Use
			11-24	Land Use
			11-25	Land Use
			11-26	Land Use
			11-27	Land Use
			11-28	Land Use
			11-29	Land Use
			11-30	Land Use
			11-31	Population and Housing
			11-32	Population and Housing
			11-33	Aesthetics
			11-34	Aesthetics
			11-35	Aesthetics
			11-36	Aesthetics

Letter	Commenter	Date	Comment	Topic
			11-37	Cultural Resources
			11-38	Cultural Resources
			11-39	Transportation
			11-40	Transportation
			11-41	Transportation
			11-42	Transportation
			11-43	Transportation
			11-44	Transportation
			11-45	Transportation
			11-46	Transportation
			11-47	Transportation
			11-48	Noise
			11-49	Noise
			11-50	Noise
			11-51	Alternatives
			11-52	Alternatives
			11-53	Alternatives
			11-54	Alternatives
			11-55	Alternatives
12	City of Milpitas	05-05-03	12-1	General
	GROUPS/ORGANIZATIONS			
13	League of Women Voters of the Bay Area	05-09-03	13-1	Alternatives
			13-2	Station Planning/Land Use
			13-3	Process/Land Use
			13-4	Alternatives
			13-5	Process
			13-6	Process
14	Math/Science Nucleus	05-05-03	14-1	Station Planning
			14-2	Hydrology
			14-3	Hydrology
			14-4	Hydrology
			14-5	Hydrology
			14-6	Biological Resources/Process

Letter	Commenter	Date	Comment	Topic
15	Petition, Douglas Bazzone	04-03	15-1	Noise
16	Transportation Solutions Defense and Education Fund	05-09-03	16-1	General
			16-1a	General
			16-1b	General
			16-1c	Land Use
			16-1d	Land Use
			16-1e	Land Use
			16-1f	General
			16-2	General
			16-3	General
			16-4	General
			16-5	Land Use
	PRIVATE COMPANIES/FIRMS			
17	Chevron Pipe Line Company	04-28-03	17-1	Hazardous Material
	INDIVIDUALS			
18	Hotline Comment	05-06-03	18-1	General
			18-2	General
19	Charlie Cameron	03-27-03	19-1	Transportation
			19-2	General
			19-3	Station
			19-4	General
			19-5	General
			19-6	General
			19-7	General
			19-8	Station
			19-9	General
			19-10	Station
			19-11	Transportation
			19-12	Transportation
			19-13	Transportation
			19-14	Transportation
			19-15	Transportation
20	David Crawford	05-08-03	20-1	General
			20-2	General

Letter	Commenter	Date	Comment	Topic
			20-3	General
			20-4	General
			20-5	Transportation
			20-6	Transportation
			20-7	Transportation
			20-8	General
			20-9	Alternatives
			20-10	Transportation
			20-11	General
			20-12	Transportation
			20-13	Transportation
			20-14	Transportation
			20-15	Transportation
			20-16	Transportation
			20-17	General/Transportation
21	Neil J. Edwards	04-14-03	21-1	Noise
			21-2	Noise
			21-3	Aesthetics
			21-4	Process
			21-5	Noise
			21-6	Noise
			21-7	Noise
22	Michael Graff	05-09-03	22-1	Transportation
			22-2	Transportation
			22-3	Transportation
			22-4	Transportation
			22-5	Station Planning
			22-6	Transportation
			22-7	Transportation
			22-8	Transportation
			22-9	Transportation
			22-10	Transportation
			22-11	General
			22-12	Transportation

Letter	Commenter	Date	Comment	Topic
			22-13	Transportation
			22-14	Transportation
			22-15	Transportation
			22-16	Transportation
			22-17	Transportation
			22-18	Transportation
			22-19	Transportation
			22-20	Transportation
			22-21	Transportation
			22-22	Transportation
			22-23	Transportation
23	Spencer Holmes	4-24-03	23-1	Biological Resources
24	Larry Milnes, PE	05-06-03	24-1	Hydrology
			24-2	Transportation
25	John T. Hardin	05-06-03	25-1	Noise
			25-2	Noise
			25-3	Noise
26	Roy Nakadegawa, PE	05-09-03	26-1	General
			26-2	General
			26-3	Land Use
			26-4	Transportation
			26-5	General
			26-6	Transportation
			26-7	Transportation
			26-8	Cumulative Impacts/ Transportation
			26-9	Land Use
			26-10	Land Use
			26-11	Land Use
			26-12	Land Use
			26-13	Land Use
			26-14	Land Use
			26-15	Land Use
			26-16	Land Use
			26-17	Land Use

Letter	Commenter	Date	Comment	Topic
			26-18	Station Planning/Land Use
			26-19	Transportation
			26-20	Transportation
			26-21	Transportation
			26-22	Transportation
			26-23	Transportation
			26-24	Land Use/General
			26-25	Alternatives/Transportation
			26-26	Alternatives
			26-27	Alternatives
27	Mark Nelson	04-09-03	27-1	General
28	Chien-Pang Kung	05-06-03	28-1	Geology
			28-2	Noise/Alternatives
29	Ali Pirooz	04-14-03	29-1	Noise
30	Art Weber	05-09-03	30-1	General
31	Steve Van Pelt	05-09-03	31-1	General
31A	Patricia Snow	04-09-03	31A-1	Displacement
	PUBLIC HEARING TRANSCRIPT			
32	Douglas Bazzone	4-14-03	32-1	General
	Douglas Bazzone	4-14-03	32-2	Process
	John Cameron	4-14-03	32-3	Process
	John Cameron	4-14-03	32-4	Process
	John Cameron	4-14-03	32-5	Transportation
	John Cameron	4-14-03	32-6	Transportation
	John Cameron	4-14-03	32-7	General
	John Cameron	4-14-03	32-8	Aesthetics
	Arnold Mammarella	4-14-03	32-9	Process
	Arnold Mammarella	4-14-03	32-10	Noise
	Arnold Mammarella	4-14-03	32-11	Aesthetics
	Arnold Mammarella	4-14-03	32-12	Noise
	Arnold Mammarella	4-14-03	32-13	Noise
	Arnold Mammarella	4-14-03	32-14	Noise
	Arnold Mammarella	4-14-03	32-15	Aesthetics
	Arnold Mammarella	4-14-03	32-16	Aesthetics/Noise

Letter	Commenter	Date	Comment	Topic
	John Kimber	4-14-03	32-17	General
	Norman Howard	4-14-03	32-18	General
	Norman Howard	4-14-03	32-19	General
	Norman Howard	4-14-03	32-20	General/Biological Resources
	Gloria Olsen	4-14-03	32-21	Alternatives
	Gloria Olsen	4-14-03	32-22	General
	Ken Price	4-14-03	32-23	General
	Lesley Payne	4-14-03	32-24	Noise
	Lesley Payne	4-14-03	32-25	Alternatives/Noise
	Lesley Payne	4-14-03	32-26	Transportation
	Craig Mao	4-14-03	32-27	Station Planning
	Spencer Holmes	4-14-03	32-28	Hydrology/Biological Resources
	John Kimber	4-14-03	32-29	Process
	Gloria Olsen	4-14-03	32-30	General

2.2 Comment Letters and Responses

The written and verbal comments received on the DSEIR, and the responses to substantive comments raised on environmental issues, are presented in this section. Each comment letter is reproduced in its entirety and is followed by responses to the substantive comments raised on environmental issues discussed in the DSEIR. Changes to the DSEIR in response to comments are included in this section. Deletions are shown in strikethrough (~~strikethrough~~) and additions are shown in underscore (underscore). A compilation of changes to the DSEIR is provided in Section 3 (*Revisions to the DSEIR*).

Letter 1

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse

Gray Davis
Governor

Tal Finney
Interim Director

RECEIVED
MAY 1 3 2003
[illegible] PROGRAM
TRANSIT SYSTEM DEVELOPMENT

May 9, 2003

Richard C. Wenzel
San Francisco Bay Area Rapid Transit District
800 Madison Street
P.O. Box 12688
Oakland, CA 94604-2688

Subject: BART Warm Springs Extension Project Supplemental Environmental Impact Report
SCH#: 2002032041

Dear Richard C. Wenzel:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 8, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
(916)445-0613 FAX(916)323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2002032041
Project Title BART Warm Springs Extension Project Supplemental Environmental Impact Report
Lead Agency San Francisco Bay Area Rapid Transit District

Type **EIR** Draft EIR

Description BART is proposing to construct an extension of the Fremont BART line. The proposed project is the BART extension from the existing Fremont BART station 5.4 miles south to a proposed Warm Springs Station, with an optional station at Irvington. The proposed project alignment would generally parallel portions of the UP railroad corridor (which contains the former Western Pacific (WP) and Southern Pacific (SP) railroad tracks) and Interstates 680 and 880 in southern Alameda County. The initial segment would begin on an embankment at the southern end of the existing elevated Fremont BART Station. The alignment would pass over Walnut Avenue on an aerial structure and descend into a cut-and-cover subway north of Stevenson Boulevard. The alignment would continue southward in the subway structure under Fremont Central Park and the eastern arm of Lake Elizabeth, and surface to grade between the former WP and SP alignments north of Paseo Padre Parkway. The alignment would pass over Paseo Padre Parkway on a bridge structure, and then continue southward at grade, passing under a grade-separated Washington Boulevard. From Washington Boulevard, the proposed project alignment would continue at grade along the former WP alignment south to a terminus at Warm Springs and South Grimmer Boulevards in the Warm Springs district.

Lead Agency Contact

Name Richard C. Wenzel
Agency San Francisco Bay Area Rapid Transit District
Phone 510 287-4950 **Fax**
email
Address 800 Madison Street
P.O. Box 12688
City Oakland **State** CA **Zip** 94604-2688

Project Location

County Alameda
City Fremont
Region
Cross Streets Paseo Padre Parkway/Walnut Avenue to Grimmer Boulevard/Warm Springs Road
Parcel No. Multiple
Township **Range** **Section** **Base**

Proximity to:

Highways I-880;I-680;SR-92
Airports
Railways Union Pacific
Waterways Laguna Creek;Mission Creek
Schools Grimmer Elementary
Land Use Public Facility and as "BART Station"
Industrial, Public Facility, and historic district overlay

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Noise; Population/Housing Balance; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

---

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Caltrans, Division of Transportation Planning; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; California

Energy Commission; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

---

Date Received	03/25/2003	***Start of Review***	03/25/2003	***End of Review***	05/08/2003

Response to Comment Letter 1 (Governor's Office of Planning and Research, State Clearing House)

1-1 This letter acknowledges receipt of the DSEIR. No response is necessary.

California Regional Water Quality Control Board

San Francisco Bay Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

Letter 2

RECEIVED
MAY 1 3 2003
STATIONS CAPITAL PROGRAM
TRANS. SYSTEM DEVELOPMENT

Date: May 7, 2003
File No. 2198.09 (BKW)

Richard C. Wenzel
Environmental Project Director
San Francisco Bay Area Rapid Transit District
800 Madison Street – Lake Merrit Station
Oakland, CA 94604-2688

Re: Draft Supplemental Environmental Impact Report, BART Warm Springs Extension
SCH Number 2002032041

Dear Mr. Wenzel:

Regional Water Quality Control Board (Regional Board) staff have reviewed the *Draft Supplemental Environmental Impact Report, BART Warm Springs Extension* (SEIR). The SEIR evaluates the potential environmental impacts that might reasonably be anticipated to result from the proposed action, which includes a 5.4-mile extension of the BART system south from the existing Fremont BART Station to a proposed new station in the Warm Springs district of the City of Fremont.

Comment 1

Section 2.3.3 Ancillary Facilities, Drainage Improvements, page 2-37 and 2-38. The text on these pages discusses the construction of new culverted crossings over several Alameda County Flood Control District (ACFCD) channels. Please note that, although these channels are identified as flood control channels by ACFCD, some of these channels are re-aligned creeks (e.g., see Figure 3.3-1, in which Line K-1 is identified as Washington Creek, Line K is identified as Crandell Creek, etc.). Any new crossings of these channels will require Clean Water Act (CWA) Section 404 Permits from the Army Corps of Engineers (ACOE), CWA Section 404 Certification from the Regional Board, and/or the issuance of Waste Discharge Requirements (WDRs) from the Regional Board. Please note that Regional Board staff discourage the use of culverts for channel crossings. If a free span crossing is not feasible, new culverts should be designed to have an open bottom (e.g., a three-sided culvert, or a culvert with the bottom side buried beneath the cannel floor). An open bottom culvert design is less disruptive of any habitat values present in the channel and has fewer impacts on channel stability. 2-1

In addition, Regional Board staff would like to discourage the placement of Channel K-1 (a.k.a., Washington Creek) in a culvert within the station limits of the optional Irvington Station. Appropriate permits for this action would not be issued unless an alternatives analysis had demonstrated that there were no feasible options for avoiding the culverting.

Comment 2
Section 2.7.1 Construction Activities, page 2-52. The text on this page discusses the construction of a new box culvert over the ACFCD channel, north of South Grimmer Boulevard. The channel is a regulated water of the State. Unless this reach of the channel is concrete-lined, Regional Board staff would like to discourage the use of a culvert for the channel crossing (see Comment 1). 2-2

Comment 3
Section 3.3.3 Regulatory Setting, State Laws and Regulations, Porter Cologne Water Quality Control Act, page 3.3-9. This section of the SEIR should be expanded to more accurately reflect current regulatory requirements under State authority.

The discussion of the Regional Board in this section of the SEIR does not discuss the Regional Board's responsibilities for projects that are not in ACOE jurisdiction. Recent U.S. Supreme Court decisions on the Tulloch Rule and isolated waters have excluded a number of impacting activities form federal regulation. However, these waters continue to be waters of the State and the Regional Board continues to regulate these impacting activities. This section of the SEIR should be expanded to explain that activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Regional Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance, or waiver, of waste discharge requirements from the Regional Board. 2-3

In addition, the discussion of stormwater impacts in this section is incomplete. Much of the discussion on page 3.3-9 is related to minimizing stormwater impacts related to construction of the Project. This section of the SEIR should be expanded to include a discussion of Alameda County's National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from new development and significant redevelopment. Under the terms of the NPDES permit, post-construction best management practices (BMPs) are to meet the maximum extant practicable (MEP) definition of treatment specified in the Clean Water Act (CWA). Alameda County is implementing the current NDPES permit for discharges of stormwater under the *Alameda Countywide Clean Water Program, Stormwater Management Plan* (SMP) (EOA, Inc., February 1997). New Development and Construction Goals are discussed in Section 7 of the SMP. These goals include the following: 2-4

- Incorporate stormwater quality controls into the planning and permitting of new development/significant redevelopment projects;

- Continue to promote implementation of the *Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs.*

Table 3 of the *Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs* states that industrial projects with greater than five acres of directly coupled impervious area are required to implement Tier 3 post-construction stormwater best management practices (BMPs). Tier 3 BMPs are required to be treatment controls that are based on performance goals, including a reduction by 80 percent of the annual total suspended solid loadings expected from the site in its developed condition. Appropriate Tier 3 controls are specified as: wet ponds; constructed wetlands; swales and vegetated filter strips; extended detention basins; and sand filters.

The Alameda County NDPES permit was re-issued on February 19, 2003. New development and significant redevelopment Projects that are constructed after February of 2005 will be required to comply with the numeric standards for post-construction stormwater BMPs in the re-issued permit. Treatment BMPs are to be constructed that incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff. As appropriate for each criterion, local rainfall data are to be used or appropriately analyzed for the design of the BMPs. 2-4 cont'd.

Volume Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

1. the maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998*), pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or
2. the volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the *California Stormwater Best Management Practices Handbook,* (1993), using local rainfall data.

Flow Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:

1. *10% of the 50-year peak flow rate; or*
2. *the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or* 2-4 cont'd.
3. the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.

Regional Board staff strongly encourage the use of landscape-based stormwater treatment measures, such as biofilters and vegetated swales, to manage runoff from the project sites. Since landscape-based stormwater treatment measures require that some of the site surface area be set aside for their construction, the proper sizing and placement of these features should be evaluated early in the design process to facilitate incorporation of the features into the site landscaping. Regional Board staff discourage the use of inlet filter devices for stormwater management. Filtration systems require a maintenance program that is adequate to maintain the functional integrity of the systems and to ensure that improperly maintained filtration devices do not themselves become sources of stormwater contaminants or fail to function. Regional Board staff have observed problems with the use of inlet filter inserts, since these devices require high levels of maintenance and are easily clogged by leaves or other commonly occurring debris, rendering them ineffective. Research conducted by the California Department of Transportation has demonstrated that inlet filters can be clogged by a single storm event. The study found that these devices required maintenance before and after storm events as small as 0.1 inch of rain. In addition, trash, debris, and sediment in the catchment had a significant impact on the frequency of maintenance[1]. Therefore, adequate maintenance of inlet filters to provide MEP water quality treatment would be prohibitively expensive and impractically time consuming. 2-5

Regional Board staff recommend that the project proponent refer to *Start at the Source*, a design guidance manual for storm water quality protection, for a fuller discussion of the selection of stormwater management practices. This manual provides innovative procedures for designing structures, parking lots, drainage systems, and landscaping to mitigate the impacts of stormwater runoff on receiving waters. This manual may be obtained from most cities' planning departments, or by contacting the San Francisco Estuary Project (510-622-2465). Since new BART stations will requite the construction of significant parking lots, the project proponent should incorporate stormwater management features (e.g., grassy swales, bioretention swales, opportunities for the use of pervious paving materials where feasible, etc.) into the design of the parking lots. 2-5□ Cont'd.

---

[1] Othmer, Friedman, Borroum and Currier, November 2001, *Performance Evaluation of Structural BMPs: Drain Inlet Inserts (Fossil Filter™ and StreamGuard™) and Oil/Water Separator*, Sacramento, Caltrans.

Comment 4

Section 3.3.4 Impact Assessment and Mitigation Measures, Impacts and Mitigation Measures, Impacts Related to Warm Springs Station, Operation Impacts, Impact H4, page 3.3-13. The discussion of increased pollutant loads should discuss the requirements of the NPDES permit for stormwater runoff associated with new development and significant redevelopment (See Comment 3), as well as the requirements associated with the NDPES permit for Industrial Activities. Several of the proposed mitigation measures do not constitute MEP treatment for stormwater runoff. As noted in Comment 3, water quality inserts require an unfeasibly high level of maintenance. Another of the proposed post-construction BMPs, oil/water separators, is not effective in treating the relatively low levels (about 10 mg/L) of hydrocarbons that are typically present in runoff from parking lots and streets. Therefore, water quality inlet filters and oil/water separators should be removed from the proposed mitigation measures. 2-6

If you have any questions, please contact me at (510) 622-5680 or by e-mail at bkw@rb2.swrcb.ca.gov.

Sincerely,

Brian Wines
Water Resources Control Engineer
South/East Bay Section

cc State Clearinghouse, Attn: Katie Shulte Joung, P.O. Box 3044, Sacramento, CA 95812-3044

Response to Comment Letter 2 (Regional Water Quality Control Board)

2-1 Comment noted. BART will work with appropriate permitting agencies to design acceptable channel crossings. Currently, BART is investigating various designs for Channel K-1 (Washington Creek). Feasible alternatives will be considered.

2-2 Comment noted. BART anticipates that the section of channel north of South Grimmer Boulevard may need to be placed in a box culvert because the BART alignment would place tracks over the channel in this vicinity and an open channel may not have the structural strength to carry the trackway and trains. As noted in the response to comment 2-1, BART will work with appropriate agencies to design acceptable channel crossings.

2-3 Section 3.4 (*Biological Resources*) of the DSEIR (page 3.4-32) discusses the authority of the State Water Resources Control Board and Regional Water Quality Control Board over isolated wetlands, under authority of the Porter-Cologne Act, following the limitation of U.S. Army Corps of Engineers jurisdiction over isolated wetlands. In response to the commenter's request, the following text is hereby added to the Hydrology and Water Quality section, following the first paragraph under "Porter-Cologne Water Quality Control Act" on page 3.3-9 of the DSEIR:

> Activities in areas defined as "waters of the state" that are outside the jurisdiction of the U.S. Army Corps of Engineers (e.g., isolated wetlands) are regulated by RWQCB under the authority of the Porter-Cologne Water Quality Control Act. Such activities may require the issuance, or waiver, of waste discharge requirements from RWQCB. See page 3.4-32 for additional discussion of agency jurisdiction over wetlands.

2-4 The comment is incorrect in stating that much of the discussion on page 3.3-9 of the DSEIR relates only to stormwater impacts associated with construction. The second paragraph on page 3.3-9 addresses construction-period stormwater impacts, and the third paragraph on page 3.3-9 addresses stormwater impacts when the project is in operation.

The Alameda Countywide Clean Water Program and its Stormwater Management Plan are discussed on page 3.3-10 of the DSEIR. As that discussion notes, the Plan is an advisory tool that assists dischargers within its boundaries to comply with Regional Board regulations. The goals and recommended best management practices (BMPs) mentioned by the commenter are incorporated in the Plan. Mitigation Measure H4 requires BART to implement appropriate BMPs and notes that BART may receive assistance in defining and implementing BMPs from the Clean Water Program's Stormwater Management Plan (see page 3.3-13 of the DSEIR).

2-5 The commenter discusses a number of BMPs applicable to post-construction stormwater impacts. These and other BMPs will be considered, and appropriate BMPs will be incorporated and implemented in the Proposed Project's Stormwater Pollution Prevention Plan (SWPPP), pursuant to Mitigation Measure H4 and in compliance with the NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities.

2-6 See the responses to comments 2-4 and 2-5. BART will consider BMPs consistent with applicable provisions of the Clean Water Program, as well as other available BMPs, in developing its proposed SWPPP. RWQCB will review the SWPPP as required by the NPDES General Permit. The potential BMPs identified in Mitigation Measure H4 that are discussed in the comment will not be incorporated in the SWPPP if they are inappropriate.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5513
TTY (800) 735-2929

Flex your power!
Be energy efficient!

May 6, 2003

ALA680309
ALA-680-6.39
SCH 2002032041

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 95604-2688

Dear Mr. Wenzel:

BART WARM SPRINGS EXTENSION – DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

Thank you for including the California Department of Transportation in the environmental review process for the proposed BART Warm Springs Extension project. We have reviewed the Draft Supplemental Environmental Impact Report and have no comments on the project at this time. 3-1

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or patricia_maurice@dot.ca.gov with any questions regarding this letter.

Sincerely,

Timothy C. Sable

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Philip Crimmins, State Clearinghouse

Response to Comment Letter 3 (California Department of Transportation)

3-1 Comment noted.

Letter 4

AC Transit
Alameda-Contra Costa Transit District
1600 Franklin Street, Oakland, California 94612

Kathleen Kelly
Deputy General Manager for Service Development

phone ☐ (510) 891-4716
fax(510) 891-4874
e-mail ☐ kkelly@actransit.org

May 8, 2003

Richard Wenzel, P.E.
San Francisco Bay Area Rapid Transit District
800 Madison St., P.O. Box 12688
Oakland, Ca. 94604-2688

RE: Supplemental Environmental Impact Report--Warm Springs Extension

Dear Mr. Wenzel:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the proposed extension of BART to Warm Springs, with an optional station at Irvington.

AC Transit staff have participated actively in the technical advisory committee for this EIR. We have appreciated BART's openness to our participation as you developed the EIR. The proposed project includes transit centers with 7 bus bays at Warm Springs (to be shared with VTA) and 5 bus bays at Irvington--we believe this would be sufficient to meet reasonably anticipated needs.

As you know, AC Transit proposed--in our response to the Notice of Preparation for this EIR--that a bus alternative to the project be studied in the EIR. We appreciate BART's responsiveness to this request, and the substantial effort on the part of the consultant team--especially transportation consultant DKS--to develop this alternative. As a result of these efforts, the busway alternative in the EIR is a well-defined project that would clearly attract substantial ridership. We understand that there are those who would have preferred a less competitive bus alternative. This high quality analysis represents a model that should be used for analyzing alternatives in other transit corridors. 4-1

It is important that this analysis be completed and refined for the Final EIR. We have comments about several items related to the Bus Alternative:

Operating Costs: Operating cost data should be provided for the bus and rail alternatives. The EIR estimates capital costs, but states "The costs to operate and maintain the service in the proposed Bus Alternative would be assumed by both bus operating agencies (AC Transit and VTA), as part of their overall annual operating budgets." This is not an appropriate assumption for a major project such as this, unless this project was identified as a priority by either VTA or AC Transit. In addition, omitting operating costs makes a complete comparison of the alternatives impossible. 4-2

Development Potential: We question an assertion used to conclude that the proposed BART project represents the Environmentally Superior Alternative. The EIR states (p.5-61) that "The Bus Alternative is much less likely than the Proposed Project to foster development around the proposed station sites as contemplated by the City of Fremont's land use and redevelopment goals (e.g. Irvington redevelopment, Warm Springs Specific Plan) and the Fremont General Plan, which specifically reserves a transit corridor for BART."

The argument that rail stations would necessarily attract more development than busway stations is asserted without any supporting evidence. A busway and bus stations would be a fixed guideway transit facility--as a rail line and stations would be. Although common in many countries, experience with busways is limited in North America. However, the dedicated busways in both Ottawa and Pittsburgh (a mixed system which includes light rail) have attracted development. Thus it certainly can be argued that busway stations in the Warm Springs corridor could attract development. Under the VTA Baseline Alternative used in the EIR, the busway has the advantage of providing direct service to more destinations in Santa Clara County (the area's largest employment center) than would a rail line. A busway would also have four stations as potential development sites, providing more possible locations than the one or two stations that would be built along a BART line. 4-3

Pacific Commons: The Transportation Technical Report (Appendix N) notes the planned Pacific Commons development as a destination, with a new ACE/Capitol Corridor train station (p.7-7, p. 11-6). However, it does not include AC Transit service to Pacific Commons, which we anticipate providing when the project goes forward. 4-4

Transit-Oriented Development: Any type of fixed guideway transit on this corridor should be supported by higher density residential development. Without such development, new stations will simply represent a new generation of what has been termed "auto-oriented transit." Each automobile trip to such a transit station represents a cold start polluting the air and may cause local congestion, depending on the route used.

We are very concerned about the extent to which transit-oriented development would occur around this project. BART's recently adopted System Expansion Criteria evaluates the appropriateness of a proposed extension on the potential for transit-oriented development around new stations. However, in the ten years since the original Warm Springs extension was initially approved, no policies to assure such development have been put in place here. 4-5

The EIR indicates (p. 3.5-9) that uses incompatible with transit-oriented development have occurred in the Warm Springs station area. There has been low-density industrial development, and single family housing with lots up to 2.75 acres. A "big box" Walmart store is under consideration. Most of the station area is currently zoned Industrial, with the very large NUMMI automobile plant adjacent to the site. We hope that the Specific Plan that will be prepared for the Warm Springs station area will result in transit-oriented development.

At the optional Irvington station, rezoning that is projected to follow the adoption of the proposed Irvington Concept Plan would provide only a few new opportunities for residential development. The maximum proposed density--applicable on only a small portion of the plan area--would be 35 units per acre. This is substantially below other projects approved or planned in Fremont and Union City. 4-6

Thank you for your interest in our comments. If you have any questions about our comments please contact Nathan Landau at 891-4792. AC Transit looks forward to continuing to work with BART to improve transit in the East Bay.

Very truly yours,

Kathleen Kelly
Deputy General Manager for Service Development

Cc: Heather Barber
Tina Spencer
Tony Divito
Nathan Landau

Response to Comment Letter 4 (AC Transit)

4-1 Comment noted. BART appreciates AC Transit's endorsement of the proposed Bus Alternative evaluated in the DSEIR as "a well-defined project" with a "high quality analysis [that] represents a model that should be used for analyzing alternatives in other transit corridors."

4-2 The operating cost of the proposed Bus Alternative is estimated to be between approximately $4 million and $4.5 million annually (2001 dollars). This estimate is based on the number of revenue hours (32,200 annual revenue hours) required to maintain the level of service described in the operating plan for the Bus Alternative (page 5-20 of the DSEIR) and is for the Fremont BART Station to Warm Springs Transit Center segment of the bus alignment to provide a comparison with the Proposed Project, which extends from the Fremont BART Station to Warm Springs. The cost per revenue hour is based on the cost per bus service hour ($123.88) reported by VTA in a November 2002 efficiency assessment (Report from the Silicon Valley 2002 Business Review Team on the Efficiency and Effectiveness of the Santa Clara Valley Transportation Authority, November 2002, VTA). If the Bus Alternative were implemented, AC Transit and VTA would be the most appropriate agencies to operate the service, assuming that one or both agencies undertook the project and funding was found.

4-3 From the available evidence, it is reasonable to conclude that the Proposed Project would do more to foster development around the proposed BART station sites than the proposed Bus Alternative would to foster development around the Bus Transit Centers. There is substantial evidence, based on well-documented transportation and land use research both on the national and the local level, that shows that private developers will invest around fixed-rail stations because they know that the large investment in fixed-rail infrastructure will not be moved or relocated. This reduces the risk for investors and encourages investment. Sources for this rail-related investment-land use relationship include Michael Bernick and Robert Cervero,[1] the City of Seattle,[2] the *Journal of Public Transportation*,[3] and White and McDaniel.[4]

The proposed Bus Alternative would include two bus transit centers, one at Warm Springs and one at Irvington, and three bus stops. The transit centers would be large fixed facilities adjacent to the bus guideway (busway), with multi-modal transfer facilities and parking lots. The three bus stops would be similar to existing curbside bus stops and would not have the same level of facilities as the transit centers. Any land use development would most likely be focused around the two transit centers rather than around the bus stops. There are a limited number of busways in North America, and there is no empirical evidence to suggest that busways provide as strong a relationship to transit-oriented development as rail. In fact, some busways have not done well in terms of development. Two busways in the Los Angeles area, the El Monte Busway and the Harbor Transitway, have a poor record in terms of transit-oriented development.

---

[1] Michael Bernick and Robert Cervero, *Transit Villages in the 21st Century*, McGraw-Hill, 1997.

[2] City of Seattle, *Transit-Oriented Development Case Studies-Twelve Analytical Rail Systems,* Strategic Planning Office, August 1999.

[3] "Benefits of Proximity to Rail on Housing Markets: Experiences in Santa Clara County," *Journal of Public Transportation*, Vol. 5, No. 1, pp. 1 - 18, 2002.

[4] S. M. White and J. B. McDaniel. "The Zoning and Real Estate Implications of Transit-Oriented Development." *TCRP Legal Research Digest 12*. Transportation Research Board of the National Academies. 1999.

As noted in the comment, a busway generally has the advantage of providing direct service from more origins to more destinations, a "one-seat ride," because the bus can leave the guideway and travel to a variety of destinations. However, this can work against viable transit-oriented development because there would not be large groups of transferring bus riders changing modes at station complexes. One of the main incentives to develop an activity sub-center—plenty of foot traffic—doesn't apply to the busways to nearly the same extent that it does in rail-based systems.[5] In addition, in the case of the Proposed Project, patrons with origins or destinations north of the Fremont BART Station would still have to transfer between BART and the bus at the Fremont Station, eliminating the possibility of a one-seat ride.

Another disadvantage of the Ottawa-style direct service bus rapid transit (BRT) system is that, although bus service is provided to a greater geographic area, the frequency of service typically is lower. This is because bus routes that are tailored to specific origins and destinations generally do not have the ridership for all-day service. Even if a bus facility is fixed, service levels and routes are not fixed. One of the advantages of buses, their flexibility, also means that bus lines can easily be rerouted or lines dropped. This leaves the former patrons with few alternatives for service. Without evidence of BRT systems attracting development in circumstances comparable to the Proposed Project corridor, it is speculative and premature to suggest that the Bus Alternative could do so to an extent comparable to the well-documented development potential of fixed-rail systems such as BART.[6] For additional discussion of busways, see the response to comment 26-26.

4-4 The comment that AC Transit anticipates providing service to Pacific Commons is noted. This information does not affect the conclusions reached in the transportation analysis presented in the DSEIR and transportation technical report (Appendix N of the DSEIR). No change to Appendix N is necessary.

4-5 BART agrees that high-density development should be the goal for the areas surrounding BART stations. To this end, BART's Strategic Plan and BART's recently adopted System Expansion Policy both emphasize transit-oriented development to generate ridership from station sites. As noted in the DSEIR (page 3.5-34), the City of Fremont, with BART's support, is proceeding with a transit-oriented Warm Springs BART Area Specific Plan. The purpose of the Specific Plan is to analyze land use and development opportunities, site constraints, access, and potential transit ridership, and to provide development criteria (such as land use densities, zoning, and design guidelines) for the coordinated development of the station area. The Fremont City Council authorized city staff to begin preparation of a Warm

---

[5] BRT Project Land Use /Economic Development Impacts; Report of the TRB BRT conference prepared by session moderator Dennis Hinebaugh, Director, National Bus Rapid Transit Institute, Tampa, Florida; TRB Bus Transit Systems Committee Newsletter; January 2002.
[6] (ibid)

Springs BART Area Specific Plan and designated $350,000 in funds and staff time for the study effort. A consultant team has been selected to prepare the analysis, and city staff (with advice and assistance from BART) have developed the Specific Plan scope of work, which is currently scheduled for approval by the Fremont City Council on June 24, 2003. In addition, the City of Fremont has developed the Draft Irvington Concept Plan, which is in final draft form and is expected to be acted on by the City Council in the near term.

The comment notes that the Warm Springs Station site is currently zoned for industrial use, as is most of the surrounding area. As discussed in the DSEIR (page 3.5-34), it is expected that the Warm Springs BART Area Specific Plan will include a transit-oriented land use and infrastructure plan and urban design guidelines that will be adopted into the *Fremont General Plan*, with zoning changes necessary for its implementation The New United Motor Manufacturing, Inc. (NUMMI) factory is located approximately 0.45 miles southwest of the proposed Warm Springs BART Station. The City of Fremont recently approved a conditional use permit for a Wal-Mart store on a vacant site approximately 0.5 mile north of the proposed Warm Springs BART Station. As shown in the DSEIR (see Figure 3.5-5, page 3.5-10), there are a number of undeveloped or underdeveloped parcels in the station area. The 34-acre station site is vacant as is an adjacent 36-acre parcel. Altogether, over 200 acres in the proposed Specific Plan study area are vacant or underutilized. This relative lack of development provides the opportunity to develop large-scale transit-oriented development projects around the station site.

4-6 Comment noted. The Draft Irvington Concept Plan is the first step in the revision of the city’s Redevelopment Plan for Irvington, and its adoption would provide for intensified development in the Irvington Redevelopment Area.

Letter 5

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

RECEIVED
MAY 12 2003
[illegible]
TRANSIT SYSTEM DEVELOPMENT

AC Transit
Director
Patrisha Piras

Alameda County
Supervisors
Gail Steele
Scott Haggerty

City of Alameda
Mayor
Beverly Johnson

City of Albany
Mayor
Peggy Thomsen

BART
Vice Chairperson
Director
Pete Snyder

City of Berkeley
Councilmember
Kriss Worthington

City of Dublin
Councilmember
George A. Zika

City of Emeryville
Councilmember
Nora Davis

City of Fremont
Mayor
Gus Morrison

City of Hayward
Mayor
Roberta Cooper

City of Livermore
Councilmember
Tom Vargas

City of Newark
Vice Mayor
Luis Freitas

City of Oakland
Councilmember
Larry Reid

City of Piedmont
Councilmember
Jeff Wieler

City of Pleasanton
Chairperson
Mayor
Tom Pico

City of San Leandro
Mayor
Shelia Young

City of Union City
Mayor
Mark Green

Executive Director
Dennis R. Fay

May 7, 2003

Mr. Richard Wenzel
San Francisco Bay Area Rapid Transit District
WSX Environmental Project Manager
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

SUBJECT: Comments on the Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension Project

Dear Mr. Wenzel:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the BART-Warm Springs Extension Project. The project would extend BART 5.4 miles and one station south from the current Fremont station to a proposed Warm Springs station, with an optional Irvington station.

The ACCMA respectfully submits the following comments. Where possible page numbers in the DSEIR are referenced.

- General: The No Project and Project directional volumes and service levels for the p.m. peak period for all alternatives and all analysis years were not included in the DSEIR or the Appendices and we were unable to verify if the impacts to the MTS routes were adequately addressed and if appropriate mitigation has been identified. This information needs to be included in the FSEIR and should be reviewed by us before the document is finalized. The approach used, identifying the *quantity* of roadways that improved or degraded with the addition of the project, does not allow us to determine which roadways were impacted, by how much, and if appropriate mitigation has been proposed. 5-1

- Page 3.9-16, Bicycle Facilities and page 1-16, Appendix N Transportation Technical Report: The Alameda Countywide Bicycle Plan and routes should also be acknowledged in this section. The Countywide Bicycle Plan can be reviewed on line at accma.ca.gov. 5-2

- Page 3.9-28/29, Criteria For Determining Significance to Impacts: The phrase "unless LOS F was measured when the Congestion Management Plan was established in 1991" in the first bullet on page 3.9-28 and the second bullet on 3.9-29 5-3 must be deleted and the analysis of MTS roadways for all alternatives done to reflect this change. In 1991, when the first LOS Monitoring study of *existing conditions* was done, the LOS F roadway segments were exempt from the preparation of future Deficiency Plans. This standard does not apply to the Land Use Analysis Program and LOS F segments measured in 1991 are not precluded from identification of impacts and the development of mitigation on the regional transportation system in the long term. In addition, the ACCMA has concerns that using this approach does not identify impacts on segments that were LOS F in 1991 and an opportunity to develop mitigation, if feasible, could be missed. This correction also applies to the Metropolitan Transportation System Roadway section on page 3.9-58 and in all applicable sections of Appendix N Transportation Technical Report. Additionally, Appendix C of the Technical Report is not included in the DSEIR. 5-3 cont'd.

- The ACCMA does not have standards of significance as stated on page 3.9-28. 5-4
- Appendix N Transportation Technical Report, page 3-1, 2nd bullet: The model base year validation was based on 1990 conditions. The Countywide Model was updated in 1995. 5-5

Once again, thank you for the opportunity to comment on this DSEIR. Please contact Jean Hart or Diane Stark at 510/836-2560 if you have any questions.

Sincerely,

Beth Walukas
Senior Transportation Planner

cc: Martin Boyle, City of Fremont
Christine Monsen, ACTIA
Jean Hart, Deputy Director
Diane Stark, Senior Transportation Planner
file: CMP/Environmental Review Opinions - Responses - 2003

Response to Comment Letter 5 (Alameda County Congestion Management Agency)

5-1 The information requested by the comment is included in appendices to the transportation technical report (Appendix N of the DSEIR), which is part of the record for the DSEIR. This information has been provided to the commenter.

The criteria for determining impacts to the Metropolitan Transportation System (MTS) route segments are presented on page 3.9-29 of the DSEIR. Where an impact to an MTS segment is anticipated, the specific location is identified and mitigation proposed where feasible. The appendices to the transportation technical report include detailed documentation of changes to MTS segments. Impacts to MTS segments resulting from the Proposed Project are identified, and mitigation is provided where necessary, in Section 3.9 (*Transportation*) of the DSEIR.

5-2 The following text is hereby added on page 3.9-16 of the DSEIR, at the end of the section on bicycle Facilities:

> The Alameda Countywide Bicycle Plan (Plan) illustrates existing and proposed bicycle routes in Alameda County.

As noted on page 3.9-42 of the DSEIR, the Proposed Project would have no impacts on existing bicycle and pedestrian facilities. Figure 3-1 (Sheet 4 of 5, Southern Planning Area 3) of the Countywide Bicycle Plan illustrates bicycle routes in the project area. The figure indicates existing Class II bike lanes on portions of Paseo Padre Parkway, Driscoll Road, Auto Mall Parkway, Grimmer Boulevard, and Mission Boulevard. Class III bike routes currently exist along portions of Washington Boulevard and Warm Springs Boulevard. There is a proposed Class II bike lane along Osgood Road between Washington Boulevard and Auto Mall Parkway.

5-3 The phrase "unless LOS F was measured when the Congestion Management Plan was established in 1991" is hereby deleted from the text on pages 3.9-28 and 3.9-29 of the DSEIR and in Appendix N. The MTS analysis for each scenario was conducted with comparisons to existing, 2010 no-project, and 2025 no-project conditions, and not the 1991 CMP. The MTS analysis included analysis of 154 separate roadway segments, based on a list of roadways provided by the Alameda County Congestion Management Agency (ACCMA). The list includes roadway segments currently operating at LOS F, regardless of whether they were operating at LOS F in 1991. Thus, LOS F segments measured in 1991 were not excluded from being identified as affected by Proposed Project impacts.

The analysis was conducted in a manner consistent with other EIR transportation studies in Fremont. Roadway segment service levels, changes in traffic volumes, and percentage change in traffic volumes were identified for each segment. As noted in the second bullet at the top of page 3.9-29 of the DSEIR, if the Proposed Project resulted in a roadway segment changing from LOS E or better to LOS F, then a significant impact was identified (regardless of the 1991 measurement, as discussed above).

Under this analysis methodology, no roadway segment is precluded from impact determination.

Appendix C of the transportation technical report (the technical report is Appendix N of the DSEIR) is part of the record for the DSEIR and has been provided to the ACCMA.

5-4 ACCMA's Land Use Analysis Program was used by BART to develop its standards for determining significance of impacts to roadway segments. ACCMA does not have its own standards of significance.

5-5 The second bullet point on page 3-1 of Appendix N of the DSEIR is hereby modified as follows:

> The Alameda Countywide Model did not include the 2010 forecast year or a recent base year validation (the last base year validation was based on ~~1995~~ 1990 conditions). The Countywide model was updated in 1995.

Letter 6

ACTIA
ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

RECEIVED
MAY 09 2003
STATIONS [illegible] PROGRAM
[illegible]

426 17th Street
Suite 100
Oakland, CA 94612

Telephone:
510/893-3347

Facsimile:
510/893-6489

Webpage:
www.ACTA2002.com

Shelia Young, Chair
Mayor, City of San Leandro

Nate Miley, Vice-Chair
Supervisor, District 4

Keith Carson
Supervisor, District 5

Henry Chang, Jr.
Council Member, Oakland

Roberta Cooper
Mayor, City of Hayward

Mark Green
Mayor, City of Union City

Scott Haggerty
Supervisor, District 1

Beverly Johnson
Mayor, City of Alameda

Alice Lai-Bitker
Supervisor, District 3

Gus Morrison
Mayor, City of Fremont

Gail Steele
Supervisor, District 2

Christine Monsen
Executive Director

May 9, 2003

Mr. Dick Wenzel
WSX Environmental Project Director
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Subject: Comments on WSX Draft Supplemental Environmental Impact Report

Dear Dick:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the BART to Warms Springs Extension. ACTIA staff have completed a review of the document and found it to be a comprehensive analysis of the potential environmental impacts associated with the project. We have a few comments on the DSEIR that we have summarized below.

Project Funding

Funding for the BART Warm Springs Extension will be provided from several agencies as noted in Section 2.6.3. (page 2-43) and Table 2-6 (page 2-45) of the DSEIR. Other references to Measure B funding on pages 1-6 and 1-14 should clearly state that Measure B is partially funding the WSX Extension. While the passage of Measure B added the largest single increment of funds to the proposed project, the completion of the project is contingent upon receipt of funds from other state and local sources as well. The DSEIR should also note that use of Measure B funds for the WSX Extension will be contingent upon full funding of the rail connection to Santa Clara County, as proposed by the Santa Clara Valley Transportation Authority (VTA). 6-1

The amount of funds available for environmental mitigation measures is grouped in with a total of $142 million that has been set aside for all project soft costs. Given the extent of the biological and wetlands mitigation, intersection level mitigation, and noise and vibration mitigation required for the project, we request that BART review their preliminary cost estimates to ensure that adequate funds have been identified to meet the environmental mitigation obligations.

Mode of Station Access/Egress

The projected mode of access to the BART stations in the future shows that park and ride access will increase as the parking supply increases, but that walk, bicycle, and transit access will also increase considerably, while kiss and ride access will decline (Tables 3.9-9 and 3.9-10, pages 3.9-34-35). Text on page 3.9-36 indicates that there would be more people walking to the Irvington Station than to the Warm Springs Station. This statement is inconsistent with the information presented in Tables 9 and 6-2

10 which show that more patrons would walk to the Warm Springs Station. In general, the substantial share of walk trips to the Warm Springs station seems surprising given the character of the surrounding land uses. Although redevelopment of the area is anticipated and supported by Fremont, it is our understanding that this intensification of land use is not accounted for in the MTC model. What is the basis for such high levels of walk/bicycle access?

6-2 cont'd. In previous discussions BART had indicated that even with the introduction of new transit centers at Warm Springs and Irvington, it is likely that Fremont would continue to be a major bus transfer point because of its ease of access to the freeways. The model results show that the Warm Springs Station would become the major transit transfer point and would in fact accommodate 65 percent of patrons to the Warm Springs station in 2010 and 57 percent in 2025 (Proposed Project with Irvington). Furthermore, the transit share increases with the addition of the Irvington Station. Normally such a spike in transit access would be accompanied by a limitation in the parking supply. Table 3.9-18 (page 3.9-63) indicates there would be an excess parking supply at the Warm Springs Station through 2025 in all scenarios except the 2025 Proposed Project. The parking demand projections seem inconsistent with the mode of access projections for the future.

Traffic Analysis

6-3 The DSEIR indicates that traffic LOS will decrease at four intersections in the vicinity of the BART stations with the implementation of the proposed project in 2010 and at three intersections in 2025. The decline in LOS of service at these intersections would be offset by the reduction in trips and congestion on other facilities in the Fremont area. Often these improvements are expressed in reduction in vehicle miles of travel and hours of delay. In the DSEIR, these improvements are summarized under MTS Systems Roadway analysis presented on page 3.9-58. While the general analysis shows that overall improvements are achieved, there is no background documentation of where traffic would improve and where it would degrade. A map of the MTS network analyzed and a visual presentation of the traffic changes would be helpful in understanding the full benefits of the project.

Parking Demand

6-4 Experience on the BART system has shown that the available parking supply, in most instances on the system, is used to its full capacity. The projections for parking demand for 2010 and 2025 indicate that the combined parking supply at the Fremont, Warm Springs, or Irvington stations is not fully utilized with the implementation of the proposed project. While some of the individual stations are showing an excess in parking demand, other stations are showing excess parking capacity. It is likely that there would be a balancing of patrons to these stations to take advantage of the available parking supply. This would be expected to increase the auto access at some of the stations as noted in the above comment.

If you need further clarification regarding these comments, please do not hesitate to call me at 267-6123.

Sincerely,

Rebecca Kohlstrand

Rebecca Kohlstrand
ACTIA Project Controls Team

cc: Art Dao, ACTIA
Christine Monsen, ACTIA
Project File 2-9

Response to Comment Letter 6 (Alameda County Transportation Improvement Authority)

6-1 Alameda County Measure B funds provide partial funding for the Proposed Project. The fourth sentence in the second paragraph on page 1-6 of the DSEIR is hereby revised as follows:

> In 2000, Alameda County voters reauthorized the transportation sales tax (Measure B), which ~~has made sufficient funds available~~ provided partial funding for a one-station BART extension project.

In addition, the second bullet item on page 1-14 is hereby revised as follows:

> This sales tax measure, approved by the Alameda County voters in 2000, provides transportation sales tax revenues to partially fund a BART extension to southern Fremont.

The following text is hereby added following the third sentence in Section 2.6.3 on page 2-43 of the DSEIR:

> This Measure B funding may not be used for construction of a BART rail extension to Warm Springs until full funding for a rail connection to Santa Clara County is assured. Project development, right-of-way, design, and station site development costs are eligible for Measure B funding prior to securing full funding for the rail construction.

A total of $142 million has been set aside for project soft costs, including environmental mitigation measures such as biological and wetlands mitigation, noise and vibration mitigation, and intersection improvements. A number of mitigation measures will need additional development before the actual cost of the environmental mitigation is known. For instance, BART will need to coordinate with agencies such as the California Department of Fish and Game on replacement wetland and burrowing owl habitat to determine the exact acreage and location of the mitigation area required. Development of mitigation measures will continue through the preliminary engineering phase of the project. BART intends to update and refine the budget estimate included in the DSEIR during the preliminary engineering phase, and funding will be updated and refined during this phase if necessary. Under CEQA Guidelines Section 15124, an EIR is required to contain only a general description of a project's economic characteristics and is not required to supply extensive detail. The funding discussion in the DSEIR is adequate for this purpose.

6-2 The last sentence in the second bullet on page 3.9-36 of the DSEIR stating that more people would walk to the Irvington Station than to the Warm Springs Station is incorrect and is hereby deleted from the text.

The tables on pages 3.9-34 and 3.9-35 of the DSEIR show access and egress combined. Some walk/bicycle access is attributed to existing adjacent residential areas. These properties are included in the ACCMA model and are part of the totals determined by the Association of Bay Area Governments (ABAG) for Alameda County. Future land use changes that are contained in the ACCMA model were included in the VTA-modified Metropolitan Transportation Commission (MTC) model that was used in the DSEIR analysis. As the comment notes, additional redevelopment and land use intensification is anticipated by Fremont but not yet included in the ACCMA model. Therefore, these land use changes were not assumed in the MTC model used for the DSEIR analysis.

The major portion of future-year bus transfers at the Fremont and Warm Springs BART Stations would be riders transferring to VTA express bus lines. It was assumed in all model scenarios that Santa Clara VTA express bus operations would shift from the Fremont BART Station to the Warm Springs BART Station. This decision was made in conjunction with the bus operators. The Proposed Project analysis assumes that AC Transit bus routes would continue to serve the Fremont BART Station given an extension of BART to Warm Springs.

The comment is correct that increased use of bus transit access is often associated with a limited parking supply. This is typically true for travelers going from home to BART by bus if parking supply is limited. However, the DSEIR analysis reflects a high percentage of bus transfers at the Warm Springs Station, despite an excess parking supply at the station, because most bus transfers are by travelers going from BART to jobs/activities in Santa Clara County.

6-3 The background documentation showing where traffic would improve or degrade is provided in Chapters 7, 8, 11, 12, 14, and 15 of Appendix N of the DSEIR.

6-4 As stated in the comment and as noted on page 3.9-63 of the DSEIR, it is assumed that BART patrons would travel to stations where parking is perceived to be available. As noted on page 3.9-65 of the DSEIR, increased automobile access at some stations resulting from this redistribution of traffic was considered and yielded only minimal changes to the DSEIR's traffic analysis.

Letter 7

ACWD
ALAMEDA COUNTY WATER DISTRICT

DIRECTORS
JOHN H. WEED
President
MARTIN L. KOLLER
Vice President
JAMES G. GUNTHER
JUDY C. HUANG
ARTHUR LAMPERT

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 659-1970 • FAX (510) 770-1793 • www.acwd.org

MANAGEMENT
PAUL PIRAINO
General Manager
CRAIG N. HILL
Engineering Manager
KARL B. STINSON
Operations Manager
WILLIAM J. ZENONI
Finance and Administration Manager

RECEIVED
MAY 09 2003
STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

May 8, 2003

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Dear Mr. Wenzel:

Subject: Comments on BART's Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the proposed BART Warm Springs Extension project. The Alameda County Water District (ACWD) is a water retailer that provides potable water to a population of over 320,000 in the Cities of Fremont, Newark, and Union City. ACWD was formed in 1914 by an act of the California Legislature for the purpose of protecting the water in the Niles Cone Groundwater Basin and conserving the water of the Alameda Creek Watershed. Local and imported water is percolated into the Niles Cone Groundwater Basin through percolation both in Alameda Creek and the adjacent recharge ponds in the Quarry Lakes Regional Park. The water is subsequently recovered through ACWD's groundwater production wells and provided as a potable supply to ACWD's customers. From this description, it should be very clear that protecting the groundwater basin continues to be a high priority for ACWD.

Based on our review of the DSEIR, ACWD believes that the DSEIR must be revised to address the following comments:

1. Section 3.2.3, Regulatory Setting

Although the role of the Alameda County Water District was described under "Local Laws and Regulations", the description was not complete. As part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and the cities of Fremont, Newark, and Union City, which allow ACWD to provide the technical oversight of investigation and remediation of Leaking Underground Fuel Tank and the majority of the Spills, Leaks, Investigation, and Cleanup sites. Once cleanup has been completed at a site, ACWD submits a case closure summary and recommendation to the Regional Board for final review and case closure. 7-1

In addition, the City of Fremont Ordinance No. 950 (adopted on June 26, 1973 and amended by Ordinance No. 963 on October 16, 1973) designates ACWD as the enforcing agency as defined by the Department of Water Resources (DWR). The ordinance regulates the construction, repair, reconstruction, destruction or abandonment of wells within the city boundaries and requires that a written permit be obtained from ACWD prior to conducting this type of work. Specific information related to obtaining permits from ACWD can be downloaded from ACWD's website at http://www.acwd.org/doingbusiness.html. 7-1 cont'd.

2. Section 3.3.2, Environmental Setting

The description of groundwater quality under "Water Quality" is not accurate. The portion of the proposed BART Warm Springs Extension that will be constructed below ground surface is located east of the Hayward Fault in an area referred to as the Above Hayward Fault (AHF) sub-basin. Unlike other areas within the Niles Cone, the AHF sub-basin is largely unconfined and the first encountered water-bearing zone is the regional aquifer, composed of highly permeable soils (i.e., cobbles, gravel, and sand). The tremendous water storage and flow potential of these aquifer materials explain why a major portion of ACWD's recharge and extraction occurs in the AHF sub-basin. The quality of water in the AHF sub-basin is considered to be of highest quality and consistently meets all drinking water standards.

The DSEIR states that groundwater has been identified as containing elevated levels of nitrates and boron. Although it is true that the Department of Water Resources reported in 1968 that excessive amounts (greater than 45 ppm) of nitrates were found, the nitrates were found southwest of Union City and south of the Niles district in Fremont, and not in the project area. In addition, testing for nitrates are routinely conducted from ACWD's groundwater production wells, and the results are significantly below the Maximum Contaminant Level of 45 ppm. 7-2

In 1960, DWR reports did indicate that some wells in the vicinity of geologic faults had high concentrations of boron, with the highest observed concentration being 5.3 ppm. However, based on DWR data collected between 1962 and 1967, boron concentrations were below 0.7 ppm in all Niles Cone aquifers. In addition, ACWD collected samples from two AHF monitoring wells (one well is adjacent to the Hayward Fault) in 1998, and boron concentrations were 0.57 and 0.67 ppm. A boron concentration of 2 ppm or less is considered suitable for agricultural use.

Therefore, the DSEIR's general description of groundwater quality, especially related to nitrates and boron, is inaccurate and needs to be corrected.

3. Section 3.3.4, Impact Assessment and Mitigation Measures, Impact H6 – Potential Depletion of Local Groundwater Supplies During Operation

An operational impact identified in the DSEIR is that the subway segment of the Proposed Project would represent a localized barrier to westward flow of groundwater in the vicinity of Lake Elizabeth. According to the DSEIR, since the presence of the subway segment is not expected to result in substantial depletion of local groundwater supplies, the impact is considered less than significant and no mitigation is proposed. 7-3

It is not clear from the project description whether any groundwater extraction would be required on a routine basis after the subway segment of the BART extension has been constructed. If a permanent dewatering system is required to maintain this subway segment, the impact of this project could be very significant on the groundwater basin. Since ACWD purchases water from the State Water Project to recharge the groundwater basin, it is critical that the amount of water that may be extracted on an annual basis be estimated and documented in the DSEIR. Alternative designs should be evaluated that would minimize or eliminate the need for a dewatering system.

It should also be noted that the Replenishment Assessment Act of the Alameda County Water District authorizes ACWD to charge operators of water production facilities an assessment based on the quantity of water produced. The replenishment assessment rate is set annually and the current rate is $197.00/acre-foot. However, if dewatering is required as part of long-term operation of the subway resulting in significant water losses from the groundwater basin, ACWD can not simply purchase additional supplies from the State Water Project since ACWD is already maximizing the use of our allocation. Therefore, BART should propose mitigation measures for replacing all significant losses of ACWD's water supplies. 7-3 cont'd.

4. Section 3.3.4, Impact Assessment and Mitigation Measures, Impact H6 – Potential Depletion of Local Groundwater Supplies During Construction

The DSEIR states that the construction of the subway beneath Lake Elizabeth and Mission Creek would require a dewatering system. It is assumed that the impact would be temporary and localized (less than 6 months and within 1,000 feet) on shallow groundwater. The DSEIR also states that there is no local demand upon the groundwater supplies. The DSEIR concludes that the impact is less than significant and no mitigation is required.

As stated above, the first encountered water-bearing zone is a regional aquifer and ACWD heavily depends on this aquifer with eight production wells in the Peralta-Tyson Wellfield located less than 1.5 miles from the project area. During the last five years, ACWD produced an average of 10,360 acre-feet/year of water from the Peralta-Tyson Wellfield and private pumpers produced an average of 1,000 acre-feet/year of water. Therefore, the DSEIR's statement is incorrect since there is a heavy demand on groundwater supplies. 7-4

Figure 2-5d indicates that the proposed BART subway beneath Lake Elizabeth and the park will be at least 23 feet below ground surface to the track. The total depth of the subway, the depth and design of the proposed dewatering system, and the estimated quantity of extracted water needs to be documented in the DSEIR in order to assess the potential impact of the dewatering system on groundwater supplies. As indicated in the DSEIR, the depth to water in the Lake Elizabeth area can be as high as 8 feet below ground surface, so the potential impact of a dewatering system on ACWD's groundwater supplies could be very significant. Although the water extracted during construction of the subway appears to be exempt from the Replenishment Assessment fee, mitigation measures should be proposed to eliminate or minimize the impact of the project on the local drinking water supply.

5. Project Coordination

The following ACWD contacts are provided so that the proposed BART project can be coordinated with ACWD: 7-5

- Steven Inn at (510) 659-1970, ext. 441, or by e-mail at steven.inn@acwd.com, for coordination with ACWD's groundwater resources and groundwater protection program.
- Jim Reynolds at (510) 659-1970, ext. 511, or by e-mail at jim.reynolds@acwd.com, for coordination with ACWD's groundwater basin recharge operations.
- Juni Rotter at (510) 659-1970, ext. 487, or by e-mail at juniet.rotter@acwd.com, for coordination with ACWD's existing water facilities.
- Robert Shaver at (510) 659-1970, ext. 423, or by e-mail at robert.shaver@acwd.com, for ACWD's water service-related requirements (e.g., annexation of property to ACWD, applicable service fees and charges, and required on-BART-property or off-BART-property pipelines).

ACWD appreciates the opportunity to comment on the DSEIR. Unfortunately, based on our comments above, the SDEIR does not adequately address ACWD's concerns regarding the impacts of BART's proposed project on ACWD's groundwater resources. We hope to work cooperatively with BART's staff to address these concerns.

If you have any questions regarding these comments, please contact Steven Inn at (510) 659-1970, ext. 441.

Sincerely,

for Paul Piraino
General Manager

si:bk
cc: Craig Hill, ACWD
Steven Inn, ACWD
Jim Ingle, ACWD
Robert Shaver, ACWD
Karl Stinson, ACWD
Doug Chun, ACWD
Jim Reynolds, ACWD
Eric Cartwright, ACWD
Juniet Rotter, ACWD

Response to Comment Letter 7 (Alameda County Water District)

7-1 The following sentence is hereby added at the end of the paragraph under "Alameda County Water District" on page 3.2-11 of the DSEIR:

> Under cooperative agreements with RWQCB and the City of Fremont, ACWD provides technical oversight of investigation and remediation of groundwater cleanup sites, and submits closure recommendations to RWQCB when cleanups are completed.

The Proposed Project would not involve the construction, repair, reconstruction, deconstruction, or abandonment of any known wells or underground source tanks within the city boundaries.

7-2 The environmental setting section of Section 3.3 (*Hydrology and Water Quality*) accurately describes the regional groundwater quality. Regarding groundwater quality in the immediate project area per the commenter's request, the following text is hereby added following the last paragraph under "Water Quality" on page 3.3-6 of the DSEIR:

> The portion of the Proposed Project alignment that will be constructed below ground surface is located east of the Hayward fault in an area referred to as the Above Hayward Fault (AHF) sub-basin. Information received from the Alameda County Water District (pers. comm. Paul Piraino, General Manager, ACWD, May 2003) indicates that, unlike other areas within the Niles Cone, the AHF sub-basin is largely unconfined and the first encountered water-bearing zone is the regional aquifer, composed of highly permeable soils (i.e., cobbles, gravel, and sand). The tremendous water storage and flow potential of these aquifer materials explain why a major portion of ACWD's recharge and extraction occur in the AHF sub-basin. The quality of water in the AHF sub-basin is considered to be of highest quality and consistently meets all drinking water standards.
>
> Although the Department of Water Resources reported in 1968 that excessive amounts (greater than 44 ppm) of nitrates were found in groundwater in the region, the nitrates were found southwest of Union City and the Niles district in Fremont, and not in the project area. In addition, testing for nitrates is routinely conducted from ACWD's groundwater production wells, and the results are significantly below the Maximum Containment Level of 45 ppm (pers. comm. Paul Piraino, General Manager, ACWD, May 2003).
>
> In 1960, a DWR report indicated that some wells in the vicinity of geologic faults had high concentrations of boron, with the highest observed concentration being 5.3 ppm. However, based on DWR data collected between 1962 and 1967, boron concentrations were below 0.7 ppm in all Niles Cones aquifers. In addition, ACWD collected samples from two AHF monitoring wells (one adjacent to the Hayward fault) in 1998, and boron

> concentrations were 0.57 and 0.67 ppm. A boron concentration of 2 ppm is considered suitable for agricultural use. (Pers. comm. Paul Piraino, General Manager, ACWD, May 2003).

7-3 Permanent groundwater extraction during operations is not anticipated. Dewatering activities are anticipated only during construction of the subway. Once the subway under Lake Elizabeth is constructed and the system is operational, dewatering operations will no longer be necessary, except for the minimal seepage/drainage under normal conditions associated with normal BART operations. This drainage water would be collected and discharged in accordance with applicable permit requirements.

7-4 No drinking water supply wells have been identified to date in the subway excavation area. Borings drilled along this alignment segment show that the subway excavation would be above the gravel layer of the aquifer. Groundwater readings indicate that the maximum groundwater lowering would be on the order of 35 to 40 feet from ground surface in the alluvium layers, which are mostly composed of clayey silt and silty sand. A preliminary calculation to determine the radius of influence of dewatering wells gives an estimate of about 400 feet in the silty sand layer and only about 10 feet for the clayey material. It is unlikely that construction dewatering would affect ACWD wells that have been described as being located approximately 1 mile from the cut-and-cover subway excavation area.

However, to more accurately reflect the uses of groundwater supplies and per the commenter's request, the following revisions are hereby made following the first paragraph under Impact H10 (Potential depletion of local groundwater supplies during construction) on page 3.3-17 of the DSEIR:

> Dewatering measures have the potential to result in localized lowering of shallow groundwater levels. This groundwater supports wetland and riparian habitats in the area ~~but is not the drinking water supply, which is obtained from deeper aquifers.~~ Because the effects of dewatering on shallow groundwater would be temporary and localized, they are accordingly expected to be less than significant. ~~Locally, there is no demand upon groundwater supplies.~~
>
> The ACWD withdraws groundwater from eight production wells in the Peralta-Tyson Wellfield. However, construction dewatering is not anticipated to affect these wells, because there is a minimum distance of approximately 1 mile between the nearest wellfield and the cut-and-cover subway excavation area.

7-5 Comment noted. As appropriate, BART will coordinate activities related to water resources with ACWD.

Letter 8

RECEIVED
MAY 1 3 2003
[illegible] PROGRAM
TRANSIT SYSTEM DEVELOPMENT

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ALAMEDA COUNTY
Roberta Cooper
Scott Haggerty
(Chairperson)
Nate Miley
Shelia Young

CONTRA COSTA COUNTY
Mark DeSaulnier
Mark Ross
Gayle Uilkema
(Secretary)

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Willie Brown, Jr.
Chris Daly
Jake McGoldrick

SAN MATEO COUNTY
Jerry Hill
Marland Townsend
(Vice-Chairperson)

SANTA CLARA COUNTY
Liz Kniss
Julia Miller
Dena Mossar
(Vacant)

SOLANO COUNTY
John F. Silva

SONOMA COUNTY
Tim Smith
Pamela Torliatt

William C. Norton
EXECUTIVE OFFICER/APCO

May 9, 2003

Richard Wenzel
WSX Environmental Project Director
San Francisco Bay Area Rapid Transit District
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Subject: BART Warm Springs Extension

Dear Mr. Wenzel:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Draft Supplemental Environmental Impact Report (DSEIR) for the BART Warm Springs Extension project. The proposed project would extend BART service approximately 5.4 miles from the Fremont BART Station to a new Warm Springs Station with an optional station at Irvington.

District staff commend BART for your efforts in promoting in-fill and transit-oriented development around existing and new BART stations. However, we have some concerns about the compatibility of the existing land uses near the Warm Springs and Irvington stations. Air quality problems may arise when sources of air pollution and sensitive receptors are located near one another. In the case of these proposed new stations, air pollution from adjacent industrial and commercial uses could adversely impact newly introduced residents and other sensitive receptors. These new sensitive receptors may be affected by odors, dust, toxics, and diesel exhaust from a number of different industrial and commercial activities.

District staff understand that the City of Fremont will be responsible for the majority of land use planning and development of the areas surrounding the proposed new BART stations. Nonetheless, we urge BART to work with the City to take advantage of these new transit nodes to intensify land uses near the Irvington and Warm Springs stations as long as those uses do not expose existing or new sensitive receptors to odors, dust or toxic air contaminants. We support infill and transit-oriented development that is of a moderate to high density, has a variety of compatible land uses and encourages alternative modes of transportation. These projects are generally much less automobile-dependent, especially if the mixture of uses includes needed services. Such projects generate less air pollution than conventional sprawl development. 8-1

If the potential odor, dust and toxic air contaminant impacts of locating residential units near existing industrial uses can be adequately mitigated, then we believe that appropriate mixed use development near the new BART stations will have regional air quality benefits. In planning for the land uses around these proposed new BART stations, District staff encourage BART and the City to provide for a mixture of land uses including employment uses as well as transit-oriented residential development at a density of at least 20 units per acre. As part of the Regional Agencies Smart Growth Strategy/Regional Livability Footprint Project, Alameda County residents recently expressed a strong preference for more infill and mixed use development that provides a range of travel options. We believe that through land use decisions that support transit, walking and cycling, Bay Area cities can help to reduce the rate of increase in vehicle miles traveled and improve local and regional air quality. For example, the Benton project, a transit-oriented housing and retail development built adjacent to the existing Fremont BART station, has recently been praised as a model smart-growth project in the region. We encourage BART to continue working with the City to encourage similarly successful in-fill and transit-oriented development. 8-1 cont'd

The DSEIR lists several of Fremont's General Plan policies that promote increased transportation alternatives and reduced dependency on the automobile as well as pedestrian accessibility in site design. District staff welcome such policies and strongly encourage BART and the City of Fremont to pursue land use policies and site design for both station sites that will incorporate neighborhood-serving commercial and community uses within close proximity to residential and employment uses. By implementing those transportation-specific General Plan policies in this project, BART and the City can insure that the developments surrounding the stations are pedestrian and bicycle accessible, thereby maximizing the benefits to air quality. 8-2

If you have any questions regarding these comments, please contact Suzanne Bourguignon, Environmental Planner, at (415) 749-5093.

Sincerely,

William C. Norton

William C. Norton
Executive Officer/APCO

WN:SB

cc: BAAQMD Director Roberta Cooper
BAAQMD Director Scott Haggerty
BAAQMD Director Nate Miley
BAAQMD Director Shelia Young
Dan Marks, City of Fremont Planning Director

Response to Comment Letter 8 (Bay Area Air Quality Management District)

8-1 BART agrees that increased residential density; infill and mixed use development; and land use decisions that support transit, walking, and cycling are desirable to reduce automobile use and improve local and regional air quality. As discussed in the DSEIR on page 3.5-34, it is BART's policy to encourage transit-oriented planning and development surrounding existing and new BART station locations, including the proposed Warm Springs and optional Irvington Stations, to increase ridership and maximize regional public transit investments. Local land use policies, plans, and projects for the vicinity of the Warm Springs Extension are being developed through the City of Fremont's planning process, with BART's cooperation consistent with its policies. Future proposed development in the proposed station areas will be part of plans that are subject to separate environmental review, including an evaluation of the consistency of proposed land uses with transit operations and the potential for new receptors to be exposed to air contamination from surrounding industrial uses. Such environmental review will be undertaken by the City of Fremont. As suggested by the commenter, BART intends to continue working with the City of Fremont to encourage successful transit-oriented development.

BART also notes that additional redevelopment and land use intensification that is anticipated by the City of Fremont but not yet included in the Alameda County Congestion Management Agency's model was not included in the DSEIR analysis (see the response to comment 6-2). As a result, the reduction in vehicle-miles traveled and resulting air quality benefits discussed in Section 3.11 (*Air Quality*) of the DSEIR represent anticipated benefits of the Proposed Project *without* additional transit-oriented development in the vicinity of the stations. Future transit-oriented development projects would be expected to substantially enhance air quality benefits beyond those discussed in the DSEIR.

8-2 As noted in response to comment 8-1, the City of Fremont is responsible for planning development surrounding the stations consistent with its *General Plan* policies to improve pedestrian and bicycle access. BART supports such development.

Letter 9

MAY 13 2003

[illegible] PROGRAM
TRANSIT SYSTEM DEVELOPMENT

COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
DEVELOPMENT SERVICES DEPARTMENT
951 Turner Court, Room 100
Hayward, CA 94545-2698
(510) 670-6601
FAX (510) 670-5269

May 9, 2003

Zone 6, General

Richard Wenzel
WSX Environmental Project Director
San Francisco Bay Area Rapid Transit District
PO Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Dear Mr. Wenzel:

Reference is made to your submittal of March 21, 2003, of the Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension. We have reviewed the document and offer the following comments:

1. As noted in the document, flood storage capacity must be maintained in south Tule Pond. In addition, it will need to be demonstrated that the reconfigured facility will function hydraulically in a manner similar to the existing facility. 9-1

2. Regarding construction activities at Lake Elizabeth: 9-2
    a. The Alameda County Flood Control and Water Conservation District is very concerned with the potential impact on the flood storage capacity of the lake. As stated previously, it is essential that replacement capacity be provided if construction of the subway must continue into the rainy season. It has yet to be demonstrated that construction of the lake crossing will not adversely impact the storage capacity of the lake.
    b. The bottom of the lake has an impermeable lining that must be restored upon completion of the subway construction.
    c. Establishment of the elevation of the top of the proposed subway in relation to the bottom of the lake is very important. The subway will need to be well below the bottom of the lake to avoid impacting the aforementioned impermeable lining, as well as causing impact on lake hydraulics and circulation patterns of flows into and out of the easterly arm of the lake. The elevation of the subway must also be low enough to allow safe operation of equipment during maintenance and dredging of the lake bottom.

3. At the subway crossing of Mission Creek: 9-3
   a. The subway will need to be well below the bottom of the creek to avoid hindering Flood Control District maintenance operations, including silt removal.
   b. Mission Creek always has fair amount of flow during the dry season that will need to be taken into account in the design of water control measures. Also, if construction extends into the rainy season, it should be taken into account that Stivers Lagoon will flood during large storm events.

4. If "Ventilation Structure, Option 2" is selected, the design of the access road crossing of Mission Creek will need to consider the regular occurrence of silt deposition at this location, as well as silt removal operations. 9-4

5. As previously noted, the FEMA Flood Insurance Rate Map for the City of Fremont shows the SFPUC land, located north of Paseo Padre Parkway to be within a Special Flood Hazard Area. Design of the rail improvements will need to satisfy Federal Emergency Management Agency (FEMA) criteria and will need to demonstrate that the 100-year storm event water surface will not be impacted, especially as relates to upstream areas. 9-5

6. Mitigation for loss of wetland or riparian habitat on Flood Control District lands or rights of way shall be fully established and accepted by the regulatory agencies without any further monitoring or reporting requirements prior to closure of the Flood Control District encroachment permit. 9-6

7. Stormwater detention facilities may be necessary at the Warm Springs Station. A detailed evaluation will be necessary to determine the adequacy of the existing downstream facilities to handle anticipated runoff from the station site. 9-7

If you have any questions, please call Andrew Otsuka, at (510) 670-6613.

Very truly yours,

Scott A. Swanson
Deputy Director
Development Services Department

SAS:AO
c: Hank Ackerman, Flood Program

Response to Comment Letter 9 (County of Alameda Public Works Agency)

9-1 Comment noted. Mitigation Measure H3 is designed to mitigate the loss of flood storage capacity at Tule Pond South by providing an equal or greater amount of replacement storage capacity, which would function in a manner similar to the existing facility. Design of the reconfigured Tule Pond will be refined as project design progresses. BART is meeting and will continue to meet with the Alameda County Flood Control and Water Conservation District (ACFCD) on preliminary modeling and will continue to coordinate with the county hydrologist.

9-2 a: Mitigation Measure H11 is designed to mitigate the reduction of flood storage capacity at Lake Elizabeth during construction. BART is currently examining how the storage capacity of Lake Elizabeth can be preserved during construction. BART will coordinate with ACFCD during preliminary engineering to develop a plan that will allow for subway construction while adequately protecting flood control capacity and functionality.

b: Comment noted. As described in the DSEIR, page 3.3-12, the lake would be restored over the alignment when construction is complete. This includes restoring the impermeable layer on the lake bottom following construction.

c: Comment noted. Currently, the top of the BART subway would be approximately 6 feet below the lake bottom. The subway profile and clearances to lake bottom will be carefully coordinated with ACFCD.

9-3 a: Comment noted. In the current design, the top of the subway is approximately 6 feet below the bottom of Mission Creek.

b: Comment noted. Mitigation Measures H1, H3, H4, H7, and H8 are designed to incorporate appropriate stormwater management controls for the Proposed Project. BART is investigating options for transporting the Mission Creek flow across the subway cut during construction and will coordinate with ACFCD on this issue. BART is also investigating options for staging construction to account for the flooding of Stivers Lagoon, if construction extends into the wet season.

9-4 Comment noted. Mitigation Measure H8 is designed to address silt issues at Mission Creek and elsewhere. The design of the access road to the Option 2 vent structure location and related creek crossing structure would be carefully coordinated with ACFCD to take the silt removal operations into account.

9-5 Comment noted. BART acknowledges that the design of rail improvements will need to satisfy FEMA criteria, and that this is the subject of ongoing coordination with ACFCD, as provided in Mitigation Measure H1.

9-6 Comment noted. BART acknowledges that, if any mitigation for wetland or riparian loss, as provided in Mitigation Measures BIO3, BIO4, BIO5, BIO12, and BIO13, occurs on ACFCD lands or rights of way, such measures would need to be accepted by regulatory agencies prior to closure of an encroachment permit from ACFCD.

9-7 Comment noted. Mitigation Measure H1 is designed to incorporate appropriate stormwater management controls for the Proposed Project, including the Warm Springs Station site. A detailed drainage report and analysis of stormwater detention facilities at the proposed Warm Springs Station is planned as part of preliminary engineering.

Letter 10

SANTA CLARA
Valley Transportation Authority

May 9, 2003

San Francisco Bay Area Rapid Transit District
800 Madison Street – Lake Merritt Station
Oakland, CA 94604-2688

Attention: Richard C. Wenzel, Environmental Project Director

Subject: SCL #2002032041 / Draft Supplemental Environmental Impact Report, BART Warm Springs Extension

Dear Mr. Wenzel:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the project to extend the Bay Area Rapid Transit (BART) system approximately 5.4 miles from the existing Fremont BART Station to a proposed new station in the Warm Springs district of the City of Fremont (Warm Springs Extension).

On April 13, 2002, VTA commented on the Notice of Preparation for the Warm Springs Extension. The coordination issues discussed in the letter have been addressed in the DSEIR. The DSEIR appears to be satisfactory in its evaluation of the Warm Springs Extension. 10-1

We appreciate BART's efforts to coordinate the Warm Springs extension with the future expansion of BART to Milpitas, San Jose and Santa Clara. Continued cooperation is essential to ensuring that the two projects connect seamlessly. VTA looks forward to continuing the hard work and cooperation with BART on both extension projects.

If you have any comments or questions, please contact me at (408) 321-5705 or at tom.fitzwater@vta.org.

Sincerely,

Thomas W. Fitzwater, AICP
Environmental Planning Manager

TWF:LGB:kh

cc: Jim Pierson
Lisa Ives

Response to Comment Letter 10 (Santa Clara Valley Transportation Authority)

10-1 Comment noted. BART appreciates the Santa Clara Valley Transportation Authority (VTA)'s concurrence that issues discussed in VTA's comment on the Notice of Preparation for the Proposed Project have been addressed in the DSEIR.

Letter 11

CITY OF
Fremont

Development and Environmental Services Department
39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006
www.ci.fremont.ca.us

RECEIVED
MAY 09 2003
STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

May 9, 2003

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-3900

RE: **Comments on 2003 Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension**

Dear Mr. Wenzel:

The City of Fremont appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension (March, 2003), hereafter referred to as the WSX DSEIR. This project is located wholly within the boundaries of the City of Fremont. The City has long supported this project which has been planned for over 25 years. We look forward to a continuing partnership with BART as the project moves into construction and then operation. As noted in the WSX DSEIR, the City has anticipated this extension in its General Plan, and more recently by preparing a conceptual land use plan for the area around the optional Irvington Station. We are beginning a Specific Plan for the vicinity of the proposed Warm Springs BART Station. We are also undertaking several projects that should assist the development of the BART extension, including two grade separations that would allow BART to continue at-grade from Central Park to Warm Springs.

We have carefully reviewed the WSX DSEIR and find it to be generally thorough and complete. However, we do have the following comments and questions, by section and page.

EXECUTIVE SUMMARY

General Comment: The City requests that the Executive Summary be modified in relation to comments made in each of the substantive sections. The City has not made separate comments on the Executive Summary.

CHAPTER 1: INTRODUCTION

Page 1-1, section 1.1, Introduction: The City Of Fremont is continuing to pursue funding for the optional Irvington Station. Should that funding not be available prior to construction of the extension to Warm Springs, the City intends to work with BART to ensure that appropriate infrastructure is in place to support a station when funding for its full development is available. Towards that end, the City expects to enter into an agreement with BART regarding the provision of that infrastructure. Furthermore, the City of Fremont and its Redevelopment Agency will determine the financial feasibility of proceeding with an amendment to the 1998 Amended Redevelopment Plan for the Industrial Project Area, which would provide a means to contribute to the acquisition and construction funding for the Irvington Station. The City would like to rely on 11-1

Building & Safety 510 494-4400 | *Engineering* 510 494-4700 | *Environmental Services* 510 494-4740 | *Planning* 510 494-4440

the WSX DSEIR as the CEQA document for the agreement and as a base source of information for the Redevelopment Plan Amendment. Accordingly, the City requests that the second paragraph of section 1.1 on page 1-1 related to uses of the SEIR be modified as follows:

> *Further, this SEIR may be used by the City of Fremont and its Redevelopment Agency as (1) the CEQA document for consideration of a cooperative agreement with BART to seek funding sources for, and to take preparatory steps to implement, the development of the optional Irvington Station evaluated in this SEIR, and (2) as a base environmental information document for preparation of a separate environmental impact report for a proposed redevelopment plan amendment to provide acquisition and construction funding for the Irvington Station (as further described in subsection 2.3.4 below).* 11-1 cont'd.

Page 1-23, section 1.9, Lead and Responsible Agencies and Required Permit Approvals: As discussed in regard to page 1.1, the City requests that a new entry be added to Table 1-5 on page 1-23 of the SEIR substantially as follows: 11-2

Agency	Permit/Approval	Reason for Permit/Approval
City of Fremont and Fremont Redevelopment Agency	Cooperation Agreement and Redevelopment Plan Amendment	Funding for Optional Irvington Station

CHAPTER 2: PROJECT DESCRIPTION

Page 2-3: The Draft SEIR refers to the City's proposed Grade Separation Project at Paseo Padre Parkway and Washington Boulevard. As evidenced by the regular communications between staff of the City and BART, the City supports the ongoing need to coordinate the design and construction of the Proposed Project with the City's proposed Grade Separation Project. As part of that coordination, it is important to recognize the current status of the City's proposed Grade Separation Project. On January 9, 2001, the City Council directed staff to proceed with design and the right-of-way acquisition process based on conceptual approval of an underpass at Paseo Padre Parkway and an overpass at Washington Boulevard. The design is at approximately 75% complete; however, the final design will be subject to the approval of City Council and the Union Pacific Railroad. The City is in the process of finalizing its analysis of right-of-way required for the proposed Grade Separation Project; however, the consideration of resolutions of necessity to acquire property will be the subject of separate actions of the City Council. Project funding has been programmed; however, a significant portion of funding is subject to a vote of the California Transportation Commission in June 2003. With these challenges in mind, the City's current plan identifies the start of construction for the proposed Grade Separation Project at the beginning of 2004. 11-3

Page 2-12 Figure 2-4d and page 2-37: A traction power substation (SBR) is currently shown located partially on the City's land at the City's new corporation yard (currently under construction). The City would appreciate BART continuing to work closely with the City to ensure that the substation can be accommodated without any disruption to the City's operation of its corporation yard. Our preliminary discussions have indicated that the traction station can be accommodated with minimum modification of the City's plans. 11-4

Page 2-35, Warm Springs Station: A signal is proposed for the intersection of Warm Springs Boulevard/Warm Springs Court. The City would appreciate additional information on the need for this signal in relation to signal warrants. 11-5

Page 2-39, subsection 2.3.4, Optional Irvington Station: To reflect the current status, the City requests that the last sentence of the first paragraph of subsection 2.3.4 on page 2-39 of the Draft SEIR be deleted and replaced with text to the following effect:

> *The City and its Redevelopment Agency will determine the financial feasibility of proceeding with an amendment to the 1998 Amended Redevelopment Plan for the Industrial Project Area to generate funding for the optional Irvington Station after the State budget impacts on the Redevelopment Agency and other affected local property taxing entities become known later this year. If such a redevelopment plan amendment is pursued, it is anticipated that the City and the Redevelopment Agency will prepare a project-specific EIR that will draw upon this SEIR as a source document.* 11-6

Page 2-49: Construction Scenario, Stevenson Boulevard to Former SP Railroad Right-of-Way (Fremont Central Park): The description should include some description of how utilities will be addressed – both on a temporary and long term basis – in regard to park activities, such as electric lines, sewer lines, potable water, and irrigation water. 11-7

Page 2-49: The City notes that the bottom of Lake Elizabeth was originally treated with lime to ensure that it would hold water when construction was completed. This or a comparable treatment is likely to be necessary when the lake bed is restored. 11-8

CHAPTER 3.1: INTRODUCTION TO ENVIRONMENTAL ANALYSIS

3.1-11 Figure 3.1-1 Cumulative Projects: The City has the following comments on the Table:

- A new City Corporation Yard project is under construction at the corner of Blacow and Osgood Road.
- The Fremont Oak Gardens (Deaf Senior Retirement Corporation) is a fully entitled project. No further General Plan amendment or other entitlements are required. Funding has been secured and construction is scheduled to begin June 2003. 11-9
- 13 new homes are under construction at Rosewalk Court at Driscoll Road near the Horner house.

CHAPTER 3.3: HYDROLOGY AND WATER QUALITY

Page 3.3-3, Figure 3.3-1: Reference is made on page 3.3-5-6 to a "bermed area north of the lake and two dredge ponds with an aggregate area of 20 acres located west of the lake." There are also references to other features near the lake which are difficult to discern on Figure 3.3-1. The City suggests that a new figure be prepared identifying all hydrologic features in Central Park that may be affected by the project. 11-10

Page 3.3-5 & 6 Hydrology and Water: Reference is made to a bermed area north of Lake Elizabeth and two dredge ponds west of the lake as being maintained by the City as dredge spoils sites. Two sites were maintained as temporary dredge ponds and no longer exist. The area referenced west of the lake is planned for future development as meadow/picnic area and a Swim/Gym facility.

3.3-15 Hydrology and Water Quality, Impact H8: A pond has been constructed just northeast of the lake (between the soccer fields and lake) identified on page 3.4-20 as "new marsh." This pond acts as a filter for the runoff from the soccer complex with runoff from this pond entering the lake in an area proposed to be "dewatered" during construction of the tunnel. The City requests additional information on how this function will be addressed during construction. 11-11

3.3-15 Hydrology and Water Quality: Impact H10 states that dewatering measures have the potential to result in localized lowering of shallow ground water levels. Although no drinking water would be affected, the City maintain wells in this area for golf course irrigation and other irrigation needs. The City requests that BART coordinate with the City to ensure that irrigation water is available if there is any temporary reduction in the availability of well-water during construction. 11-12

Page 3.3-15 Hydrology and Water Quality, Impact H10, Mitigation Measure H11(b) Temporary reduction in flood storage capacity at Lake Elizabeth: Proposed temporary mitigation to flood storage problems at Lake Elizabeth include: *"Actively manage the level of water within Lake Elizabeth so as to provide additional storage capacity... Construct additional storage facility at same location ..."* These mitigations could affect use of the Park and lake by the boating public. The City requests that BART staff confer early with City staff to coordinate the implementation of mitigation measures addressing recreational uses during construction. 11-13

Page 3.3-17: Impact H-3 on page 3.3-12 indicates that the Tule Pond South provides some flood storage capacity. That capacity may be lost during construction. The City requests additional information on how that flood storage capacity will be addressed. 11-14

CHAPTER 3.4: BIOLOGICAL RESOURCES

Page 3-4-20; Figure 3.4-2: The Figure appears to indicate that almost all of the Pacific Commons project area is critical habitat, whereas only approximately half the area shown is designated for habitat restoration and maintenance. The City requests that this figure be corrected. 11-15

Page 3.4-32: The City of Fremont adopted a new Tree Preservation Ordinance, effective August, 2002, with revised standards available from the City's Landscape Architect. The City recognizes that BART is not subject to these standards, but believes the information may prove useful as BART considers its more specific plans for addressing trees. 11-16

Page 3.4-37, Mitigation Measure BIO 4: A portion of the mitigation reads, in part: *"The restored site is composed of a mix of species similar to that removed during construction activity."* It is not clear whether the existing riparian forest is composed of native or non-native species. The City notes that in a later mitigation (page 3.4-41), the mitigation specifies native species, regardless of the mix of existing species. The City suggests that a similar requirement for primarily native species may be appropriate for the riparian forest habitat to be disturbed. 11-17

Page 3.4-40: The City's recently adopted Tree Preservation Ordinance establishes protected classes of trees and "presumptive qualification" for Landmark Tree status based on species and size. As discussed above under 3.4-32, this ordinance may prove useful in addressing the loss of trees. The City also recommends that the SEIR expand its existing proposed mitigation to "consider preserving worthwhile trees in-place within the construction limits where reasonable measures can be employed." 11-18

Page 3.4.41 Impact BIO 11: The SEIR should address protection and transportation of fish during construction of the cofferdam and dewatering of portions of Lake Elizabeth. 11-19

Page 3.4-51 BIO 22: This section indicates that there may be significant trees on the Irvington station site (generally in relation to the Gallegos Winery). The City suggests that the SEIR expand its mitigation to consider preserving worthwhile trees in place within the construction limits where reasonable measures can be employed. 11-20

CHAPTER 3.5: LAND USE AND PLANNING

Page 3.5-2: The City's Civic Center is no longer located at Stevenson Boulevard and Civic Center Drive. The City of Fremont City Hall is now located at the corner of Liberty and Capitol Avenue. The Alameda County Library and Police Building continue to be located at Civic Center Drive and Stevenson immediately adjacent to Central Park. 11-21

Page 3.5-6: the 4th full paragraph implies that former industrial zoned land east of Civic Center Drive and north of Stevenson Boulevard has been rezoned to single-family residential use. The City is not aware of any land in the identified area converted from industrial to residential use since 1992. 11-22

Page 3.5-11, subsection 3.5.3, Regulatory Setting (General Comment). The City notes that the Amended and Restated Redevelopment Plan for the Irvington Redevelopment Project adopted July 7, 1998 (the 1998 Amended Redevelopment Plan) has relevant objectives that would be facilitated by the Proposed Project, and in particular the optional Irvington Station. Relevant 1998 Amended Redevelopment Plan goals and objectives include the following:

- The potential development of an Irvington BART Station in support of the extension of the BART Fremont line and the provision of ancillary transportation facilities and services that use Irvington as a transportation hub, all in support of the commercial and residential portions of the Irvington redevelopment project area 11-23
- The gradual transition and intensification of uses in proximity to the Irvington BART Station in a manner that is compatible with existing development in the Irvington community.

Pages 3.5-13 the Draft SEIR: This page identifies references in the City's General Plan to the Proposed Project. Policy T 2.2.1 states that the City "actively supports a BART extension to the southern part of Fremont with stations in Irvington, Warm Springs and South Fremont". The City's General Plan also identifies a Transportation Corridor overlay which is generally aligned with the preferred alternative route for the Proposed Project identified in the Draft SEIR. Although the Transportation Corridor overlay could potentially reflect a variety of transportation modes, and although the exact location of the proposed BART extension was not known when the City's General Plan was updated in 1991, the City anticipated that the diagrammatic depiction of the Transportation Corridor overlay could also accommodate the Proposed Project. 11-24

Page 3.5-17, subsection 3.5.3, Regulatory Setting, Irvington Planning Area: Similar to the comment for subsection 2.3.4 above, the City requests a sentence be added at the end of the second paragraph of the subsection captioned "Irvington Planning Area" to the following effect: 11-25

- The City and Redevelopment Agency will determine the financial feasibility of proceeding with this amendment to the 1998 Amended Redevelopment Plan after the State budget impacts on the Redevelopment Agency and other affected local property taxing entities becomes known later this year.

3.5-29 Land Use and Planning, Impact and Mitigation Measures, Operational Impacts, Stevenson Boulevard to SP Railroad Right-of-Way (Fremont Central Park): The second full paragraph, states that "The structure(s) would not conflict with existing or planned recreational use of the area." The ½ acre ventilation shaft structure(s) will occupy approximately ½ acre of parkland. Option two would place two ¼ acre ventilation shaft structures within the park: one would be located in what is today a parking lot and the other is sited in an area currently designated as "Nature Area". It should be noted that under State law, parkland taken for other purposes must be replaced. The City suggests that BART work closely with the City in identifying a plan for park replacement. 11-26

Page 3.5-32, Summary (All Segments): The SEIR states that "residential uses are encouraged near public transit notes as part of transit-oriented developments in order to support more efficient use of valuable land and provide more efficient transportation networks." The City notes that there are various kinds of transit-oriented development and that higher intensity commercial use near to stations can also provide significant support to a transit system. 11-27

Page 3.5-33, BART System Expansion Policies: Page 2-35 includes brief mention of the proposed design features which would allow construction of a future pedestrian bridge to the west of the station, over the UP tracks. Given the large amount of vacant and underutilized land and the existing major employment generator to the west of the proposed Station, ensuring that BART design accommodates future access to the west side would appear to be an important element of addressing BART station area policies. The City worked with BART staff to ensure that the initial conceptual design for the Warm Springs Station can accommodate such access in the future and believes that this aspect of the plan should be mentioned as one of the elements which address BART Expansion Policies. 11-28

Page 3.5-34, first paragraph: The SEIR states that "mixed-use development incorporating both higher density residential and office uses would be considered on these and other parcels during the specific plan process." Although it is accurate to indicate that the City intends to consider mixed use development, including residential development, adjacent to the Warm Springs BART Station, the City would like to emphasize that no decision has been made as to the types of uses to be allowed in this area. 11-29

Page 3.5-37, Construction Related Impacts to Central Park: The City of Fremont appreciates BART's thoughtful approach to managing the potential conflict arising from construction activities and their impacts on Central Park. To help BART staff better understand potential conflicts and potential mitigations, the City recommends that BART staff, the construction contractor(s), and Fremont staff begin as soon as possible – and no less than one year in advance of the beginning of construction in the park - to define a schedule for work. This will allow Fremont staff to better manage annual Park activities. Impacts will be primarily related to use of adjacent facilities, including: park paths, soccer fields, softball fields, basketball courts and the "dog park". Parking for the soccer fields will need to be managed. Additionally, impacts on park maintenance will need to be addressed. Maintenance facilities (an equipment storage garage, a building that houses supplies for sports fields maintenance and operation, and a "green waste" disposal area) must be accessible to Park and Recreation staff. Finally, utility lines (electric, water, waste etc.) that crisscross the park will need to be addressed if other facilities are to remain open. Additional consideration may be needed to coordinate implementation of mitigation measures to address construction impacts on maintenance activities and utility connections. 11-30

CHAPTER 3.6: POPULATION, ECONOMICS AND HOUSING

Page 3.6-12 Impact POP 2: The SEIR indicates that "[c]hanges in land use designations implemented by the City of Fremont since 1992 in the area around the proposed Warm Springs Station would allow for more mixed-use development and could indirectly encourage growth." The City does not know of any significant changes in land use designations to date in the near-vicinity of the proposed Warm Springs Station that would allow for mixed-use development. 11-31

Page 3.6-18, Impact POP 5: please refer to previous comments on impacts on Central Park. 11-32

CHAPTER 3.7: AESTHETICS

3.7-11, 3.7-16 Aesthetics, Methodology for Preparation of Visual Simulations: The City requests additional information on the proposed screening plan for the two-ventilation structure option. 11-33

Page 3.7-28, Mitigation Measure A4 – Ensure design of proposed Warm Springs Station is consistent with existing environment: The City notes that the current environment for the BART station is industrial land use and vacant land. Depending on the outcome of the Specific Plan, a design that fits into a largely industrial environment may not be appropriate. Rather, the City would prefer that BART commit to working with the City in arriving at a design that is compatible with and supportive of the land use plan that arises from the Specific Plan process. Specifically, the City requests an additional "bullet" regarding design as follows:

- BART will consult with the City of Fremont regarding the design of the Warm Springs Station, including voluntary participation in informal design review meetings with the Planning Commission and City Council, prior to finalization of the station plans. 11-34

While the City has worked with BART in arriving at the overall site plan, the architecture will be a critical element in supporting a new transit-oriented land use proposal for the area around the station. This would include an opportunity for the City to review and comment on the design of the tail-track section and area for maintenance to ensure that it too fits into the character planned for this area.

Page 3.7-29 Impact A-5: The City requests that some simulation be conducted of the visual/aesthetic impacts of proposed sound-walls. Impact A5 identifies the impacts as "potentially significant and unavoidable." The visual simulation could show typical landscaping or wall surface treatment used to mitigate impacts to give residents a better idea of how the walls will look.

The City also requests that BART indicate that it will work closely with the City in considering heights for soundwalls. As described below (Page 3-10-18), noise mitigation can be achieved with a combination of exterior and interior mitigations, with wall height being one of the variables that must be considered. The City requests that BART acknowledge and commit to working with the City in determining an appropriate combination of mitigations for noise impacts that will consider heights for soundwalls (and their aesthetic impacts), their noise dampening effectiveness, and the ability to mitigate interior noise levels to an acceptable standard. 11-35

Pages 3.7-32 and 3.7-33, Impacts Related to the Optional Irvington Station. Mitigation Measure A-7(a): In order to ensure visual compatibility with the adjacent area, the City of Fremont requests that, similar to Mitigation A-4, Mitigation A-7(a) be revised to include an added "bullet" stating: 11-36

- BART will consult with the City of Fremont regarding the design of the Irvington Station, including voluntary participation in informal design review meetings with the Planning Commission and City Council, prior to finalization of the station plans. 11-36 cont'd

CHAPTER 3.8: CULTURAL RESOURCES

Page 3.8-27 Impact CR-Cume2. Potential for damage to the William Y. Horner House: After imposition of Mitigation Measure N2, impacts in some locations are still expected to be significant and unavoidable. The SEIR should clarify why, in this instance, Mitigation Measure N2 will be sufficient to mitigate the impact on this historic resource to a less than significant level. 11-37

Page 3.8-25, Impacts and Mitigation Measures, Impacts Specific to Optional Irvington Station, Operational Impacts: Mitigation Measures CR6(a) and CR6(b), regarding the Gallegos Winery site, would appear to adequately mitigate the potential impact. The City suggests that, in addition to identifying the depositing of the potential data recovery results with the California Historical Resources Regional Information Center, Mitigation Measure CR6(b) also include the identification and cataloging of those results. 11-38

CHAPTER 3.9: TRANSPORTATION

Page 3.9-6: As correctly identified on page 3.9-6, Auto Mall Parkway extends from the Tri-Cities landfill to I-680; Durham Road extends east of I-680. Durham Road does not exist at the intersection of Osgood Road and Auto Mall Parkway. Nevertheless, elsewhere in the SDEIR document (e.g., page 3.9-8) and in the appendices, there is reference to "Osgood Road/Durham Road-Auto Mall Parkway". Durham Road should be deleted from this reference. This change should be reflected throughout the report. 11-39

Page 3.9-8: Please change the intersection names I-680 SB Ramps/Durham Road-Auto Mall Parkway to I-680 SB Ramps/Durham Road; and I-680 NB Ramps/Durham Road/Auto Mall Parkway to I-680 SB Ramps/Durham Road. These changes should be reflected throughout the report. 11-40

Page 3.9-15: The description of parking facilities at the Fremont Station should reflect the recently instituted parking permit system. 11-41

Page 3.9-17, 2010 No Project Conditions, Intersection Improvements: The City of Fremont has a planned improvement for the intersection of I-680 southbound ramps/Auto Mall Parkway to convert an eastbound through lane to a shared right-turn/through lane. This improvement should be added to the text on page 3.9-17, incorporated onto Figure 3.9-7 on page 3.9-18, and incorporated into the intersection level of service (LOS) calculations for all subsequent analysis scenarios. 11-42

Page 3.9-56, Impact TRN12 and Mitigation Measure TRN5: The City of Fremont has a planned improvement for the intersection of I-680 southbound ramps/Durham Road/Auto Mall Parkway that is the same as the mitigation measure (to convert an eastbound through lane to a shared right-turn/through lane). Levels of service should be recalculated with this improvement to determine whether the impact on this intersection is reduced to a less-than-significant level. 11-43

Page 3.9-63: Table 3.9-18 shows a reduction in parking supply at the existing Fremont Station from 2,330 (page 3.0-15) to 2030 for "no project" and 1880 with project in 2010. Please explain the basis for the reduction for each scenario. 11-44

Page 3.9-67 Impact TRN25-Construction period traffic impacts: The City suggests BART consider providing a morning and evening shuttle to transport BART riders from the City off-site parking lot located near the intersection of Stevenson Blvd and Civic Center Drive to mitigate the temporary removal of 200 existing spaces at the Fremont Station during construction. 11-45

Page 3.9-73, Impact TRN-Cume4: The City of Fremont has a planned improvement for the intersection of I-680 southbound ramps/Auto Mall Parkway that is the same as the mitigation measure (to convert an eastbound through lane to a shared right-turn/through lane). Levels of service should be recalculated with this improvement to determine whether the impact on this intersection is reduced to a less-than-significant level. 11-46

CHAPTER 3.10: NOISE AND VIBRATION

Page 3.10-18: The Criteria for Operational Noise Impacts indicates that "where implementation of all feasible exterior noise mitigations does not reduce noise to a level that is below the thresholds defined above, implementation of interior noise-mitigation measures that reduce interior noise to less than 45 db-Ldn is considered to mitigate significant noise impacts to a less than significant level." The City agrees with this approach, but Mitigation Measure N-1 (page 3.10-25, and 3.10-31) does not set forth this approach to exterior and interior noise as clearly. The City requests that the relationship between exterior and interior noise mitigation be set forth in Mitigation N-1, and that a target interior noise level be established in Mitigation N-1 as described on page 3.10-18. 11-47

As discussed under Aesthetic impacts (see page 3.7-25) BART has been unable to determine potential height of soundwalls. As noted earlier, the City requests that BART acknowledge and commit to working closely with the City in determining an appropriate combination of mitigations for noise impacts that will consider heights for soundwalls (and their aesthetic impacts), their noise dampening effectiveness, and the ability to mitigate interior noise levels to an acceptable standard.

Page 3.10-35 Impact N2: The SEIR indicates that there are several way to mitigate vibration, but does not provide information on the expected effectiveness of those mitigation measures. Additional information on these measures should be provided. 11-48

Page 3.10-4: Mitigation Measure N4(a) indicates that nighttime construction should be avoided in residential areas. The City recommends that BART commit to limiting its hours of construction during night-time and also indicate a limit on construction hours during the weekend to minimize impacts to residents. The City requests that such hours be maintained except under extraordinary circumstances, and then modified only after giving appropriate notice to neighbors. Although BART is not subject to the City's regulation, for information purposes, the City of Fremont's standard condition on construction hours for non-residential areas is 7 AM to 7 PM, Monday through Friday, and 9AM to 6 PM, Saturdays and Sundays. For residential areas, the hours are the same except that no construction is permitted on Sunday. 11-49

Page 3.10-50 Mitigation Measure N1: Please note that 13 new single-family homes are under construction on Rosewalk Court, west of Driscoll. 11-50

CHAPTER 5: ALTERNATIVES

Page 5-20, Bus Rapid Transit (BRT): The proposed BRT includes signal preemption and upgrade to eight intersections along the path of the proposed bus route. Please identify the eight intersections proposed for such pre-emption and discuss the impact of the signal preemption on the City's existing signal coordination system. The City is concerned that providing signal pre-emption for the BRT could have a significant adverse impact on the Level of Service at these intersections. 11-51

Pages 5-23 and 5-24 (including Tables 5-1 and 5-2), Proposed Bus Alternative, Projected Ridership Comparison: Based on the SEIR alternatives analysis, the proposed Bus Alternative would generate fewer riders than the Proposed Project with the optional Irvington Station. In particular, the SEIR states, "On the segment between the Fremont Station and the Irvington Station, the proposed Bus Alternative would only carry 54% of the ridership projected for the Proposed Project with optional Irvington Station. In the segment between the Warm Springs and Irvington Stations, the proposed Bus Alternative would carry about 64% of the ridership projected for the Proposed Project with optional Irvington Station" (p. 5-23). The City concurs that an Irvington Station would result in more BART ridership in Fremont as well as reduce the impacts associated with the bus service alternative between the Irvington community and other Fremont BART stations. 11-52

Page 5-27 Table 5-4 Linked Transit Trip: The City had expected BART to generate a much higher level of new transit trips when compared to the Bus Alternative. The City believes the BRT trips are significantly overestimated and requests further review and analysis of the model results be undertaken in cooperation with the City and other experts in transportation modeling. 11-53

Page 5-31, BRT Capital Costs: The City notes that Alameda County Measure B funding ($165.5 million) was committed specifically for a BART/rail extension and cannot be used for a Bus Rapid Transit (BRT) Alternative. 11-54

CHAPTER 6: OTHER CEQA CONSIDERATIONS:

Page 6-6, section 6.4, Project Benefits, Land Use: The SEIR mentions "a comprehensive community-based process to be undertaken by the City of Fremont in coordination with BART and other stakeholders in 2003." The City does intend to engage in such a process for the Warm Springs area, but has completed the process for Irvington and expects the Irvington Concept Plan to be acted on by the City Council in the near-term. 11-55

Thank you again for the opportunity to comment.

Sincerely,

Dan Marks
Planning Director

cc: Assistant City Manager
City Manager
Redevelopment Director
Martin Boyle

Response to Comment Letter 11 (City of Fremont, Development and Environmental Services Department)

11-1 Per the commenter's request, the following paragraph is hereby added following the second paragraph of Section 1.1 on page 1-1 of the DSEIR:

> City of Fremont staff have advised BART that this SEIR may be used by the city and its Redevelopment Agency as (1) the CEQA document for consideration of a cooperative agreement with BART to seek funding sources for, and to take preparatory steps to implement, the development of the optional Irvington Station evaluated in this SEIR; and (2) a base environmental information document for preparation of a separate EIR for a proposed redevelopment plan amendment to provide acquisition and construction funding for the Irvington Station (as further described in Section 2.3.4).

11-2 Per the commenter's request, the following text is hereby added to Table 1-5 on page 1-23 of the DSEIR:

Agency	**Permit/Approval**	**Reason for Permit/Approval**
City of Fremont and Fremont Redevelopment Agency	Cooperation Agreement and Redevelopment Plan Amendment	Funding for Optional Irvington Station

11-3 Comment noted. BART is aware of the status and current schedule of the City of Fremont's proposed grade separations project at Paseo Padre Parkway and Washington Boulevard as discussed in the comment. BART will continue to work with the City of Fremont to coordinate the design and construction of the Proposed Project with the city's proposed grade separations project.

11-4 BART will continue to work closely with the city regarding construction of the traction power substation to minimize, to the extent feasible, modification of the city's plans for its corporation yard.

11-5 The intersection of Warm Springs Boulevard and Warm Springs Court would likely satisfy a peak-hour traffic signal warrant (*Caltrans Traffic Manual,* Chapter 9, "Traffic Signal Warrants") under all project scenarios in 2010 and 2025. This is based on the projected traffic volumes along Warm Springs Boulevard and the likelihood that some BART patrons would use Warm Springs Court to access the parking lot. This does not mean that a traffic signal is necessarily desirable, however, at this location. Consideration should be given to location of other nearby traffic signals that would affect the progression of traffic flow and the provision of gaps in traffic for left-turn movements, pedestrian volumes, accident history, location of nearby schools, and other congestion indices. As the Warm Springs BART

Station plan is further developed, the exact location and number of traffic signals will be refined further.

11-6 Per the commenter's request, the last sentence of the first paragraph of Section 2.3.4 on page 2-39 of the DSEIR is hereby revised as follows:

> ~~The Redevelopment Agency is preparing a project-specific EIR on the Amended Redevelopment Plan.~~ City of Fremont staff have advised BART that the city and its Redevelopment Agency will determine the financial feasibility of proceeding with an amendment to the 1998 Amended Redevelopment Plan for the Industrial Project Area to generate funding for the optional Irvington Station after the state budget impacts on the Redevelopment Agency and other affected local property taxing entities become known later this year. If such a redevelopment plan amendment is pursued, city staff anticipate that the city and the Redevelopment Agency will prepare a project-specific EIR that will draw upon this SEIR as a source document.

11-7 As stated on page 3.14 of the DSEIR, information provided in the 1992 EIR still accurately characterizes utilities relative to the Proposed Project. The 1992 EIR analyzed potential impacts to utilities and provided Mitigation Measures 9A, 9B, 9C, and 9D to address the identified impacts. These mitigation measures, which continue to apply to the Proposed Project as indicated in Appendix B to the DSEIR, are designed to minimize potential disruption of utilities (including sewer lines and water pipelines), electrical transmission lines, pipelines, and fiber optic cables. Accordingly, issues related to utilities, both within park boundaries and outside park boundaries, will be fully coordinated with the utility owners and users such as the City of Fremont to address both temporary circumstances during construction and the permanent operations that would follow. Existing utilities are currently being identified via documentation provided by owners and soon will be located in the field. In advance of construction, conflicts would be identified and agreements made on appropriate solutions. Such solutions could consist of protections in place or relocation of the affected utility. Relocations could be either temporary or permanent and would be performed by BART contractors or by the utility itself.

11-8 Comment noted. As stated in the DSEIR on page 3.3-12, the bed of Lake Elizabeth will be restored after construction is completed. Restoration will be performed in consultation with ACFCD and the City of Fremont.

11-9 Table 3.1-1 on page 3.1-9 of the DSEIR lists projects included in the cumulative impacts analysis. The City of Fremont Corporation Yard was known to be under construction and was therefore included in the Proposed Project impact analysis. (See references on page 3.4-32 of Section 3.4 and in Table 3.6-8 on page 3.6-14 of the DSEIR.)

The status of the Fremont Oak Gardens (Deaf Senior Retirement Corporation) project as fully entitled is noted. This project was identified as an approved development in Table 3.1-1 in the DSEIR. The Fremont Oak Gardens project was included in the impact analysis. (See reference on page 3.10-47 of Section 3.10 of the DSEIR concerning cumulative noise impacts.)

Construction of the Rosewalk Court development had not begun when the Notice of Preparation (NOP) for the Warm Springs Extension SEIR was issued in March 2002. Because the Rosewalk Court residences now under construction were not an existing condition when the NOP was issued, the development was not included in the baseline of existing conditions for purposes of the DSEIR analysis of project-specific impacts. CEQA Guidelines Section 15125(a). The development would be considered a "probable future project" for cumulative impacts analysis. CEQA Guidelines Section 15130(b). However, the City of Fremont did not include it in the list of pending or entitled development projects provided in response to BART's request for the city's list of projects for consideration in the cumulative impacts analysis. As a result, this project was not listed in Table 3.1-1 of the DSEIR. For completeness, the Rosewalk Court development is hereby added to the list of projects in Table 3.1-1 of the DSEIR:

Development	Location	Size	Description
Rosewalk Court	adjacent to the east side of the Proposed Project alignment at 2869 Driscoll Road north of Washington Boulevard.	13 single-family units	Redevelopment of an existing detached single-family parcel into 13 single-family detached planned units.

Although future residents of the Rosewalk Court development might contribute to or be affected by cumulative impacts, the addition of this limited number of residences does not alter the analysis, conclusions, or mitigation measures for cumulative impacts identified in the DSEIR. The following discussion explains the reasons for this conclusion.

The Rosewalk Court development currently under construction is a residential development of 13 single-family units located adjacent to the east side of the Proposed Project alignment at 2869 Driscoll Road north of Washington Boulevard. The development is accessed from Driscoll Road. The Rosewalk Court development is redeveloping an existing detached single-family parcel into 13 single-family detached planned units. The City of Fremont determined that no environmental impacts would result from the redevelopment of the parcel.[7]

Cumulative impacts could occur from the Rosewalk Court development in combination with the Proposed Project and the projects listed in Table 3-1.1 of the DSEIR. Potential cumulative impacts would be traffic level of service changes to roadways in the transportation study area and noise and vibration effects. However, because of the small scale of the Rosewalk Court development and the previously developed nature of the site, the Rosewalk Court development, in combination with the Proposed Project and other projects identified in Table 3.1-1, would not be likely to contribute to additional cumulative impacts beyond those presented in the DSEIR.

---

[7] Personal communication with Kathleen Livermore, Planner, City of Fremont, May 28, 2003.

As mentioned above, the Rosewalk Court development could contribute to cumulative traffic impacts in the Proposed Project transportation study area because it could add up to 13 additional peak-hour vehicle trips to the roadway network in the study area. This limited number of additional trips would not affect the intersection level of service analysis that was reported in the DSEIR. No intersections or interchanges in the vicinity of the Proposed Project and the Rosewalk Court development that were analyzed as part of the operational, construction-period, or cumulative impacts analysis in the DSEIR would experience a level of service change from the addition of this small number of peak-hour vehicle trips.

Also as mentioned above, the Rosewalk Court development is located adjacent to the Proposed Project alignment and would be expected to experience noise impacts. The Rosewalk Court development includes construction of an 8-foot-tall privacy wall separating the development from the existing Union Pacific right-of-way and the Proposed Project alignment. Although the privacy wall would likely reduce the potential for the development to experience Proposed Project cumulative noise impacts, the two single-family housing units immediately adjacent to the Proposed Project alignment would be expected to experience cumulative noise impacts. However, noise mitigation proposed for adjacent receptors to the north and south of the development would provide noise mitigation for the development. Therefore, with mitigation, no significant impacts would be expected to occur (see Section 3.10.4, *Noise and Vibration Impact Assessment and Mitigation Measure*, of the DSEIR). The total number of sensitive receptors located in the alignment segment between Paseo Padre Parkway and Washington Boulevard that would experience operational noise impacts would increase from 44 to 46.

> The number of significant impacts on the fifth row, last column of Table 3.10-16 of the DSEIR is hereby revised from ~~44~~ to 46.

Further, the Rosewalk Court development is located in a segment of the Proposed Project alignment in which potentially significant and unavoidable operational vibration impacts are predicted to occur. Up to ten vibration-sensitive receptors within the development could experience vibration impacts. The number of vibration impacts in the alignment segment between Paseo Padre Parkway and Washington Boulevard reported in Table 3.10-10 of the DSEIR would change from eight receptors to 18 receptors.

> The number of residences exposed to significant impacts on the fifth row, last column of Table 3.10-10 of the DSEIR is hereby revised from ~~8~~ to 18.

Mitigation measures identified for vibration-sensitive receptors to the north and south of the Rosewalk Court development in this segment of the Proposed Project alignment would be applied in the same manner to provide vibration mitigation to the Rosewalk Court development.

Regarding other potential cumulative impacts discussed throughout the DSEIR, the Rosewalk Court development is not expected to alter any of the analysis, conclusions, or mitigation measures (as applicable), based on the location and modest size of that project.

11-10 Figure 3.4-1a of the DSEIR identifies hydrologic features in Fremont Central Park that were existing conditions at the time that the NOP for the project was issued and therefore were included in the hydrology and water quality analysis.

To accurately reflect the current status of the dredge ponds, the end of the last paragraph on page 3.3-5 of the DSEIR, beginning with the last sentence on page 3.3-5, is hereby revised as follows:

> The lake is periodically dredged to maintain floodwater storage capacity, and dredge spoils are retained in a bermed area north of the lake and two dredge ponds with an aggregate area of approximately 20 acres west of the lake. ~~The ponds are maintained by Fremont Central Park staff.~~ The two dredge ponds west of the lake were maintained by the City of Fremont as temporary dredge ponds; the ponds no longer exist.

11-11 Mitigation Measure H8 is designed to incorporate appropriate stormwater management controls for the Proposed Project. The functionality of New Marsh as a filter for stormwater runoff entering Lake Elizabeth would be addressed in consultation with ACFCD and the City of Fremont during and after construction of the Proposed Project. Options for maintaining this connection will be identified and incorporated into the stormwater management system.

11-12 Comment noted. As discussed in the DSEIR on page 3.3-17, because effects of dewatering on shallow groundwater would be temporary and localized, they are expected to be less than significant. However, BART will coordinate with the City of Fremont to ensure that irrigation water is available if any temporary reduction occurs in the availability of well water for this purpose during project construction.

11-13 Comment noted. Active management of the water level in Lake Elizabeth is only one of the options in Mitigation Measure H11(b), which is a contingent mitigation measure designed to take effect only if construction cannot be completed outside the dry season (see Mitigation Measure H11[a]). BART will confer with City of Fremont staff to coordinate the implementation of Mitigation Measure H11(b) if necessary to address recreational uses during construction.

11-14 Mitigation Measure H3 is designed to mitigate the loss of flood storage capacity at Tule Pond South by providing an equal or greater amount of replacement storage capacity BART will confer with ACFCD during both preliminary engineering and final design engineering regarding implementation of this measure during construction and operations.

11-15 The area indicated in Figure 3.4-2 of the DSEIR has been proposed by the U.S. Fish and Wildlife Service (USFWS) as critical habitat coverage for 15 vernal pool species. This information was provided to Jones & Stokes in a GIS layer from USFWS. The data was sent via email with the following disclaimer: “Although legal descriptions were made from GIS coverages or other map documents, legal descriptions as published in the Federal Register always take precedence.”

Although the comment indicates that only half of the Pacific Commons project area is designated for habitat restoration and maintenance, the area indicated is proposed as critical habitat for vernal pool species according to the USFWS GIS data. USFWS was contacted to verify whether there have been any modifications to the proposed critical habitat since receipt of the GIS layer in November 2002. At that time USFWS conveyed that final vernal pool critical habitat is being prepared and the coverage should be available for release around August 1, 2003.

11-16 BART notes that the city has adopted revised policies for tree preservation during the preparation of the DSEIR. Page 3.4-32 of the DSEIR is hereby revised to reflect the amended policies. The second sentence in the last paragraph on page 3.4-32 is hereby revised as follows:

> The ordinance ~~currently~~ requires that a permit be obtained for the removal of any tree with a trunk diameter of 4 6 inches or more, measured at 4 4.5 feet above the ground.

In addition, footnote 8, which relates to the proposed amendment to the Tree Preservation Ordinance, is hereby deleted.

11-17 The riparian forest referred to in the comment consists mainly of native species but does include some non-native species such as Himalaya blackberry. A detailed list of the plant species identified in the riparian areas is provided in the wetland delineation (Appendix K of the DSEIR).

Per the commenter's request, Mitigation Measure BIO9(b) on page 3.4-41 of the DSEIR is hereby revised as follows:

> Replacement trees will belong to a native species such as coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), California bay laurel (*Umbellularia californica*), or other appropriate species native to the Fremont area or similar to the mix of species removed during construction activity.

11-18 BART notes Fremont's recently adopted Tree Preservation Ordinance and the "presumptive qualifications" for Landmark Tree status. Mitigation Measure BIO9 on page 3.4-40 of the DSEIR, requires BART to conduct a tree survey and compensate for trees removed as specified. However, BART agrees that "worthwhile trees" should be maintained in place, if it is reasonable to do so. As more detailed plans are developed, it may be reasonable to preserve a greater number of trees in place.

11-19 Prior to draining the affected portion of Lake Elizabeth, the waters would be cleared of fish by netting fish and transplanting them to the main portion of the lake. Appropriate procedures would be established for conducting this operation to minimize harm to the fish.

11-20 As noted on page 3.4-51 of the DSEIR, there are approximately 20 to 30 trees at the Irvington Station site with a diameter greater than 4 inches (at 4 feet in height), which would be compensated for through Mitigation Measure BIO9. As conceptual plans for the optional Irvington Station are refined, it may be reasonable to preserve some of these trees in place. See the response to comment 11-18.

11-21 Text beginning on page 3.5-2 of the DSEIR is hereby revised as follows to reflect the new location of the Fremont City Hall:

> The Fremont City Hall is located at the corner of Liberty and Capitol Avenue. The Alameda County Library and Police Building are located at Civic Center Drive and Stevenson Boulevard, immediately adjacent to Fremont Central Park. ~~Civic Center, located on Stevenson Boulevard at Civic Center Drive, includes the City Hall, the main library, and the police department headquarters.~~

11-22 The following language is incorrect and is hereby deleted from the fourth full paragraph of page 3.5-6 of the DSEIR per the commenter's request:

> ~~Since preparation of the 1992 EIR, the city has approved several rezoning requests of formerly industrial land for single-family residential development east of Civic Center Drive and north of Stevenson Boulevard adjacent to the reserved Proposed Project corridor.~~

11-23 The following heading text is hereby added on page 3.5-22 of the DSEIR, preceding the heading "City of Fremont Zoning":

> Redevelopment Plan for the Irvington Redevelopment Project

The City of Fremont's Amended and Restated Redevelopment Plan for the Irvington Redevelopment Project adopted July 7, 1998, contains relevant objectives that would be facilitated by the Proposed Project, and in particular the optional Irvington Station. Relevant goals and objectives of the plan include the following.

- The potential development of an Irvington BART Station in support of the extension of the BART Fremont line and the provision of ancillary transportation facilities and services that use Irvington as a transportation hub, all in support of the commercial and residential portions of the Irvington redevelopment project area.
- The gradual transition and intensification of uses in proximity to the Irvington BART Station in a manner that is compatible with existing development in the Irvington community.

These goals and objectives of the city's Redevelopment Plan for the Irvington Redevelopment Project provide additional support for the conclusions in the DSEIR regarding the Proposed Project's consistency with local land use plans and policies. See DSEIR Section 3.5 (*Land Use and Planning*), Section 5.7 (*Project Goals and Objectives*), and Section 6.4 (*Project Benefits*).

11-24 As discussed in Section 3.5 (*Land Use and Planning*) of the DSEIR, BART agrees that the Proposed Project is consistent with the *Fremont General Plan*.

11-25 Per the commenter's request, the last sentence of the second paragraph under "Irvington Planning Area" on page 3.5-17 of the DSEIR is hereby amended as follows:

> In keeping with the *General Plan* recommendations, the city is in the process of working with the community to create the Draft Irvington Concept Plan, currently in draft form, which seeks to set forth a vision for revitalization of the Irvington District. City of Fremont staff have advised BART that the city and Redevelopment Agency will determine the financial feasibility of proceeding with this amendment to the 1998 Amended Redevelopment Plan after the state budget impacts on the Redevelopment Agency and other affected property taxing entities becomes known later this year.

11-26 Comment noted. BART will comply with applicable requirements of state law regarding park lands used for non-park purposes (Public Park Preservation Act of 1971).

11-27 As discussed in the DSEIR on page 3.5-34, it is BART's policy to encourage infill and transit-oriented development surrounding new BART station locations, including the proposed Warm Springs and optional Irvington Stations, which increases ridership and is compatible with local development plans. However, such projects must be developed through the City of Fremont's planning process, with BART's cooperation consistent with its policies. The DSEIR does not propose any specific mix of land uses near station sites; rather, it states that residential uses typically are encouraged as part of transit-oriented development. BART acknowledges that there are various kinds of transit-oriented development and that higher intensity commercial use near stations can provide significant support to a transit system. Future proposed development in the proposed station areas will be subject to review by the city, which will include an evaluation of types of land uses and ridership outcomes appropriate near the stations. BART looks forward to consulting and cooperating with the City of Fremont as the city develops land use plans for areas surrounding the proposed Warm Springs and optional Irvington Station sites.

11-28 Comment noted. The following paragraph is hereby added after the last paragraph on page 3.5-33 of the DSEIR:

> In addition, BART's conceptual design of the Warm Springs Station is designed to accommodate construction of a future pedestrian bridge to the west, over the adjacent UP tracks, as illustrated in Figure 2-6b. This access to the area west of the railroad corridor would allow future access to a large amount of vacant and underutilized land and an existing major employment generator, which would enhance future development and ridership opportunities.

BART concurs that this opportunity for pedestrian access provides additional support for the conclusions in the DSEIR regarding the Proposed Project's consistency with BART's System Expansion policies. See DSEIR Section 3.5 (*Land Use and*

Planning), Section 5.7 (*Project Goals and Objectives*), and Section 6.4 (*Project Benefits*).

11-29 BART acknowledges that no decision has been made regarding the types of land uses that will be appropriate adjacent to the proposed Warm Springs Station. See the response to comment 11-27.

11-30 Comment noted. As provided in Mitigation Measures LU3, POP7, and TRN25, BART will coordinate with the city to develop plans for construction activity management. Coordination with the city will occur during final design of the Proposed Project and will address affected park facilities, maintenance structures, and utilities.

11-31 Per the commenter's request, the following text in the first paragraph of Impact POP2 on page 3.6-12 of the DSEIR is hereby deleted:

> ~~Changes in land use designations implemented by the City of Fremont since 1992 in the area surrounding the proposed Warm Springs Station would allow for more mixed-use development and could indirectly encourage growth.~~

11-32 See the response to comment 11-30.

11-33 The two ventilation structures in the two-structure option would be screened in the same manner as is depicted in Figure 3.7-6 – Viewpoint 4 of the visual simulations (page 3.7-16 of the DSEIR). The vegetation as depicted in the lower image of the simulation would be approximately 5 years old, which is not yet fully mature.

11-34 To acknowledge the voluntary consultation requested by the commenter, the following bullet is hereby added to Mitigation Measure A4 on page 3.7-28 of the DSEIR:

> Consult with the City of Fremont regarding the design of the Warm Springs Station, including consideration of city comments developed through voluntary participation in informal design review meetings prior to finalization of the station plans.

11-35 Mitigation Measure A5(i) and (ii) are designed to address the secondary visual impacts of soundwalls that are utilized as mitigation for noise impacts. In addition, as noted in the DSEIR on pages 3.10-18 to 3.10-19, where implementation of all feasible exterior noise mitigation does not reduce noise to a less-than-significant level, implementation of interior noise mitigation measures to reduce interior noise to less than 45 db-Ldn is considered adequate to mitigate noise impacts. As more detailed engineering design is developed, BART will verify exact heights and locations of soundwalls. BART will prepare detailed design drawings and specifications of soundwalls, including plans for landscaping and aesthetic surface treatments as required by Mitigation Measures A5(i) and (ii). BART will confer with the City of Fremont on this issue as design of the Proposed Project proceeds.

11-36 To acknowledge the voluntary consultation requested by the commenter, the following bullet is hereby added to Mitigation Measure A7(a) on page 3.7-28 of the DSEIR:

> Consult with the City of Fremont regarding the design of the optional Irvington Station, including consideration of city comments developed through voluntary participation in informal design review meetings prior to finalization of the station plans.

11-37 The possibility that significant and unavoidable vibration impacts may remain after implementation of Mitigation Measure N2 was acknowledged in the DSEIR because there may be situations where implementation of all feasible mitigation would not reduce the vibration impacts to a less-than-significant level. It is possible that Mitigation Measure N2 may not be effective for certain residences located as close as 20 feet from the proposed BART tracks. However, Mitigation Measure N2 is expected to be adequate to mitigate vibration impacts to a less-than-significant level at the Horner House because the Horner House is located over 150 feet from the Proposed Project.

11-38 Per the commenter's request, the text of Mitigation Measure CR6(b) on page 3.8-26 of the DSEIR is hereby amended as follows:

> The results of the study will be identified, catalogued, and deposited with the California Historical Resources Regional Information Center.

11-39 Footnote (d) is hereby added to Table 3.9-3 on page 3.9-12 of the DSEIR as follows:

> (d) The SEIR text and tables refer to intersection 1 as Osgood Road/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is Osgood Road/Auto Mall Parkway.

11-40 Footnotes (e) and (f) are hereby added to Table 3.9-3 on page 3.9-12 of the DSEIR as follows:

> (e) The SEIR text and tables refer to intersection 2 as I-680 SB Ramps/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is I-680 SB Ramps/Durham Road.
>
> (f) The SEIR text and tables refer to intersection 3 as I-680 NB Ramps/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is I-680 NB Ramps/Durham Road.

11-41 The following sentence is hereby added at the end of the first paragraph under "Parking" on page 3.9-15 of the DSEIR:

> There are currently 92 spaces set aside for monthly permits at the Fremont BART Station, at a price of $63.00 per space per month.

11-42 Programmed intersection improvements in the City of Fremont to be used in the SEIR analysis were provided by city staff. City staff did not include the improvement noted in the comment, and therefore the improvement was not considered as part of the existing conditions for the traffic analysis. The city's programmed intersection improvements are the same as those described in Mitigation Measure TRN5 in the DSEIR. Should this programmed intersection improvement be implemented prior to construction of the Proposed Project, implementation of Mitigation Measure TRN5 would be superseded, and no additional work would be necessary at the I-680 southbound ramps/Auto Mall Parkway intersection to mitigate Proposed Project impacts. As noted in the DSEIR, Mitigation Measure TRN5 would apply to several scenarios for 2010 and 2025 conditions (identified as Impacts TRN5, TRN 9, TRN12, TRN17, TRN-Cume2, and TRN-Cume4). Each of these impacts would be addressed by implementation of the city's programmed intersection improvements, and no additional work would be necessary to mitigate Proposed Project impacts under these scenarios.

11-43 See the response to comment 11-42.

11-44 The number of parking spaces currently at the Fremont BART Station, noted in the comment, is a typographical error. The first sentence in the first paragraph under "Parking" on page 3.9-15 of the DSEIR is hereby amended as follows:

> There are currently ~~2,330~~ 2,030 spaces at the Fremont BART station for BART patrons.

Table 3.9-18 is correct, indicating 2,030 spaces at the Fremont BART Station under the 2010 no-project and 2025 no-project conditions. The reduction by 150 spaces (from 2,030 to 1,880 spaces) under each project condition is attributed to construction of an aerial structure in the parking lot to accommodate the Proposed Project extension south towards Warm Springs.

11-45 Mitigation Measure TRN25 (Develop and implement a construction phasing and traffic management plan) requires BART to consult with the City in developing the plan. A morning and evening shuttle service between an off-site parking area and the Fremont BART Station during construction may be considered as an element of the plan, if necessary and appropriate.

11-46 See the response to comment 11-42.

11-47 Comment noted. See the response to comment 11-35 regarding the secondary visual impacts of noise-mitigating soundwalls. BART recognizes that extremely high soundwalls may be infeasible due to unacceptable visual impacts in some instances.

As specified in Mitigation Measure N1, all feasible exterior noise mitigation methods will be utilized. However, as noted in the DSEIR on pages 3.10-18 to 19, if such mitigation does not suffice to meet the appropriate noise standards, reducing interior noise to less than 45 dB-Ldn is considered adequate to prevent significant impacts. To clarify that intent, the following text is hereby added to the end of the first bullet in Mitigation Measure N1 on 3.10-31 of the DSEIR:

Where implementation of all feasible exterior noise mitigation does not reduce noise below the thresholds identified in Tables 3.10-3 and 3.10-4 in the DSEIR, implementation of interior noise-mitigation measures to reduce interior noise to less than 45 dB-Ldn is considered adequate to mitigate noise impacts to a less than significant level.

11-48 The effectiveness of each vibration-dampening measure listed in Mitigation Measure N2 is specific to the situation in which it is used and how it is combined with other measures. For instance, ballast mats will work only in locations with ballast and tie track; resilient fasteners will not work for ballast and tie track, but are suitable for direct fixation only. The effectiveness of mitigation in specific situations cannot be determined until the detailed vibration mitigation design is developed. Therefore, there may be some situations where vibration impacts cannot be mitigated to less than significant, and the impact would be considered significant and unavoidable.

11-49 Hours of construction would be determined based on the type and location of construction being conducted. It is anticipated that construction in residential areas will generally take place between 7:00 a.m. and 7:00 p.m. weekdays, and between 9:00 a.m. and 6:00 p.m. weekends. When these normal work hours need to be exceeded, BART community relations staff will work with the city and affected residents to communicate working hours and other construction-related concerns.

11-50 See the response to comment 11-9, above, for a complete discussion of potential cumulative impacts of the Proposed Project together with the Rosewalk Court development.

11-51 The following eight signals are assumed to be most likely to be adjusted to accommodate BRT signal preemption.

a. Walnut Avenue at Fremont BART Station

b. Walnut Avenue at Paseo Padre Parkway

c. Stevenson Boulevard at Paseo Padre Parkway

d. Grimmer Boulevard at Paseo Padre Parkway

e. Auto Mall Boulevard at Grimmer Boulevard

f. Grimmer Boulevard at Warm Springs Boulevard

g. Warm Springs Transit Center at Warm Springs Boulevard

h. Mission Boulevard at Warm Springs Boulevard

The proposed Bus Alternative was designed to provide a reasonable alternative for comparison to the Proposed Project, as required in a CEQA alternatives analysis. See CEQA Guidelines Section 15126.6. Significant effects of an alternative may be discussed in less detail than the significant effects of the project as proposed. Accordingly, the Bus Alternative incorporated reasonable assumptions regarding the feasibility of signal preemption. BART agrees that the feasibility of signal preemption at the eight intersections may be constrained by the need to avoid secondary adverse impacts on the level of service at those intersections. If signal preemption at some or all of the intersections were to prove infeasible, ridership on the Bus Alternative and its associated benefits (e.g., congestion relief, air quality, energy) could be reduced.

11-52 Comment noted.

11-53 As noted above, proposed Bus Alternative was designed to provide a reasonable alternative for comparison to the Proposed Project. The proposed Bus Alternative was developed with the cooperation of the local bus service providers, AC Transit and VTA, and AC Transit considers it a "high quality analysis [which] represents a model that should be used for analyzing alternatives in other transit corridors" (see comment letter 4). The transportation analysis for the Proposed Project was conducted with conservative ridership assumptions to avoid overstating the future ridership and benefits of the Proposed Project, in itself and in relation to the Bus Alternative. BART understands that the City believes the Bus Alternative new transit trips are significantly overestimated. However, the comment does not identify any specific points that would cause this overestimation. In response to the city's request, BART staff is coordinating with city staff to go over the model results. In order to assist the city in conducting any further review and analysis, BART is willing to provide any relevant and available existing documentation the city may require regarding the modeling that has been done. At this time, BART considers the modeling and transportation for the Proposed Project and the Bus Alternative to be accurate and complete. However, BART acknowledges that, to the extent the analysis may have incorporated overly conservative assumptions, ridership associated with the Proposed Project (in itself and in relation to the Bus Alternative) could be higher.

11-54 Comment noted. It is correct that Measure B funding for this project is committed specifically for a rail extension to Warm Springs. The proposed Bus Alternative would be ineligible for Measure B funds.

11-55 Per the clarification made by the commenter, the paragraph under "Land Use" on page 6-6 of the DSEIR is hereby revised as follows:

> Rather, land use intensification through transit-oriented development (TOD) and access planning surrounding future station sites is being ~~will be~~ addressed through a comprehensive community-based process. For the area surrounding the optional Irvington Station site, this process has already resulted in the Draft Irvington Concept Plan, which the City Council is expected to act on in the near-term. A similar process will be undertaken by the City of Fremont in coordination with BART and other stakeholders in 2003 for the Warm Springs BART Area Specific Plan.

Letter 12

CITY OF MILPITAS

Mailing Address: 455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov
Temporary Location: 1210 Great Mall Drive

RECEIVED
MAY 09 2003
[illegible] PROGRAM
[illegible] DEVELOPMENT

May 5, 2003

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Projects Director
PO Box 12688, MS 1KB-6
Oakland, CA 94604-2688

SUBJECT: DRAFT SEIR for the BART Warm Springs Extension (WSX)

Dear Mr. Wenzel:

The City of Milpitas appreciates the opportunity to review and comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the proposed San Francisco Bay Area Rapid Transit (BART) Warm Springs Extension of BART through Fremont to southern Alameda County. City staff has reviewed the proposed project and does not have any comments at this time. 12-1

If you have any questions regarding the above, please contact Acting Associate Planner, Troy Fujimoto, at (408) 586-3287.

Sincerely,

Tambri J. Heyden

Tambri J. Heyden, AICP
Planning Manager

CC: file

General Information: 408.586.3000
Printed on Tree-Free Alternative Paper

Response to Comment Letter 12 (City of Milpitas)

12-1 No comments were submitted on the DSEIR.

Letter 13

LEAGUE OF
WOMEN VOTERS
OF THE BAY AREA
An Inter-League Organization of the San Francisco Bay Area

RECEIVED
MAY 09 2003
STATION [illegible] PROGRAM
TRANSIT SYSTEM DEVELOPMENT

May 9, 2003

San Francisco Bay Area Rapid District
Attention: Richard C. Wenzel, P.E.
WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Re: Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension

Dear Mr. Wenzel:

The League of Women Voters of the Bay Area (LWVBA), an inter-League organization of twenty-one local Leagues in the nine Bay Area counties, supports efficient, interconnected, multi-modal, convenient, equitable, safe, and cost-effective transportation planned in concert with land use and air and water quality.

In a letter the LWVBA sent to the Scoping Session for the Supplemental Environmental Impact Report for the BART Warm Springs Extension in April 2002, we stated our belief that "in order to build the most effective regional transportation system, alternative transportation investments need to be evaluated. Alternatives to the BART Extension would be expected to include standard rail, commuter rail, light rail, and express bus service."

Analysis of alternatives is essential for identification of transportation that provides cost-effective, environmentally superior transit options. The considerations of cost and of environmental impacts and benefits are more obviously related now than at the time of the 1992 EIR. Projects that are not affordable either to build or to operate frustrate improvements both in this transit corridor and other parts of the system that need funding.

The Draft SEIR notes that standard rail (Capitol Corridor), light rail transit, commuter rail and expanded bus service on local streets were considered, but rejected as infeasible alternatives to the Proposed Project --BART Extension. Only Bus Rapid Transit (BRT) was selected as an alternative to be analyzed in the 2003 SEIR. The analysis found that BRT would reduce some environmental impacts, but would have lower ridership and therefore "would not be as successful as the Proposed Project (BART) in promoting transit-oriented development, and in supporting smart, efficient and desirable growth patterns." 13-1

We question such a conclusion when the land uses around the Warm Springs BART station have not yet been determined. The station site is currently located in an Industrial Planning Area which is intended to "conserve industrial-designated land for future industrial development…"

The land use for this area discusses establishing a Warm Springs BART Specific Plan Study for consideration of more dense, compact mixed-use development to make optimal use of the access provided by a BART station. Conversion to residential uses is one possible option, according to the City of Fremont's General Plan.

13-2

Regional policies clearly call for transit oriented development at major investments such as BART stations. Proceeding with such an investment without such plans constitutes a negative public policy impact, thwarting regional and state attempts at "Smart Growth." It is not at all clear what land use assumptions were used. In fact, it is stated in the 3rd paragraph, pg. 3.5-34, "there are no specific proposals for transit-oriented development at the Warm Springs Station site. Any analysis of potential environmental impacts would be highly speculative."

No final decision should be made on this Project until the following information is available:

- more specific land use designations in the station area. 13-3
- study of a reasonable cost effective, "apples to apples," alternative like commuter trains on standard gauge rail with connectivity to other rail/bus systems at hubs. This would meet the basic objective to close the transit gap between Alameda County and San Jose and satisfy all the Goals and Objectives stated on pages ES-12, 13. Comparing a bus system to a rail system is not an "apples to apples" comparison so it is not a reasonable alternative. 13-4
- assured funding for the construction for the Silicon Valley Rapid Transit Corridor. The analysis in this SEIR has been based on this project as a part of that corridor. The viability of this project as a stand-alone project will need to be analyzed in a subsequent EIR. Warm Springs is not a regional destination that will attract a large number of new riders so its financial feasibility is doubtful. 13-5

No scoping comments seem to have been included in the report so we have attached ours. We appreciate your consideration of our comments as we all work together for better regional transportation planning and a better regional transportation system. 13-6

Sincerely,

Eva Alexis

Eva Alexis Bansner
President

Irene Sampson

Irene Sampson
Transportation Co-Chair

Joyce Roy

Joyce Roy
Transportation Co-Chair

League of Women Voters
of the Bay Area
An Inter-League Organization of the San Francisco Bay Area

April 14, 2002

COPY

Mr. Richard Wenzel, Project Director
San Francisco Bay Area Rapid Transit District
800 Madison Street P.O. Box 12688
Oakland, CA 94604-2688

Re: Scoping for Supplemental Environmental Impact Report for the BART Warm Springs Extension Project in Fremont, CA

Dear Mr. Wenzel:

The League of Women Voters of the Bay Area, an inter-League organization of twenty-one local Leagues in the nine Bay Area counties, supports efficient, interconnected, multi-modal, convenient, equitable, safe, and cost-effective transportation planned in concert with land use and air and water quality.

In order to build the most effective regional transportation system, alternative transportation investments need to be evaluated. Alternatives to the BART Extension would be expected to include standard rail, commuter rail, light rail, and express bus service.

These are the same alternatives that we have proposed for the EIS/EIR for the Silicon Valley Rapid Transit Corridor as this project is part of that corridor and has no viability as a stand alone project. This is clear from the Alameda County's 20-Year Transportation Expenditure Plan which describes this project as "BART Extension to South Fremont (to connect to Santa Clara County Extension) –BART." It further states: "This project funds the first phase of a BART rail extension that will ultimately extend into Santa Clara County."

Standard Rail Alternative: An obvious standard rail alternative for evaluation is increased service on the Capitol Corridor line on improved tracks with both express service and local service to more stations. Connection with the ACE train and BART anticipated at Union City seems appropriate for this alternative. Added trains, new platforms and other equipment should be state-of-the-art for ease of boarding by pedestrians, bicycles, wheelchairs and strollers.

Commuter Rail Alternatives worthy of evaluation are:

1) The commuter rail line that was planned by VTA to connect to BART at their Union City Station and
2) A commuter rail from a BART-Regional Rail transfer station at Shinn in Fremont that connects to ACE and than follows the same right of way as the proposed BART Extension.

The commuter rail alternatives should be fully electrified overhead, have improved tracks and state-of-the-art equipment. Some minor crossings would not need the complete grade separations that the electric third rail alternative requires. The same frequency of service as proposed for BART/VRT, including both express and local service typical of commuter rail, should be evaluated.

Light Rail Alternative: A motivating force in the BART to San Jose project was getting workers to Silicon Valley work places in the face of mounting congestion and housing prices. This motivation seems appropriately a goal of the project. The light rail alternative should evaluate concurrent redevelopment of underutilized land in the light rail corridors for housing and associated amenities. Improvements to the light rail system would be extension of light rail to meet BART in Alameda County and provision of seamless light rail connections to Capitol Corridor and Ace service.

Commuter Bus Alternative: An advanced bus system is the final, logical alternative we would expect to be included. Bus systems now available can cut loading times with translink fare systems, wider doors and folding seats. Running times can also be made more attractive using signal preemption and separate bus lanes or queue-jump pockets. Bus routing methods used in San Diego to link major destinations might be able to build on the ridership of VTA's current system of free shuttles to major employers, carrying more riders, more cost-effectively.

Alternatives should be compared over 5, 10, 20 and 30-year time frames to assess:
- Total cost, including financing costs.
- Cost per new rider.
- Travel times.
- Time frames for initiation of service with range of possible funding projections.
- Effect on air quality
- Impact of construction on adjacent communities.
- Potential to accommodate future high speed rail.
- Potential to stimulate transit oriented land use

Public resources for improving transit use in conjunction with efficient land use are limited. To assess alternatives for achieving maximum environmental benefits with limited transit funds, Federal New Starts Project Justification Criteria should be applied:
- mobility improvements;
- environmental benefits;
- operating efficiencies;
- cost-effectiveness
- transit-supportive existing land use, policies and future patterns

As previously stated, we expect this SEIR for the BART Warm Springs Extension will be coordinated with the EIS/EIR for the Silicon Valley Rapid Transit Corridor as the system proposed is for one set of trains on one set of tracks.

Thank you for your attention to our scoping comments. We think that incorporation of our suggestions will help inform regional transportation planning for a vital part of our region.

Sincerely,

Tamra C. Hege, President
80 Florada Ave.
Piedmont CA 94610
(510) 832-4261
tamhege@aol.com

Joyce Roy, Co-Director, Transportation
258 Mather Street
Oakland CA 94611
(510) 655-7508
joyceroy@earthlink.net

Response to Comment Letter 13 (League of Women Voters of the Bay Area)

13-1 The comment is correct that, as noted in the DSEIR on page 3.5-34, the city's planning efforts for the areas surrounding the Warm Springs Station have not yet been completed. However, the conclusion that the proposed Bus Alternative would not be as successful as the Proposed Project in promoting transit-oriented development (TOD) is based, in part, on differences between the effectiveness of fixed-rail and bus transit investments in attracting TOD, not on any specific proposals for the Warm Springs Station area. As discussed in the response to comment 4-2, while transit-oriented development could occur surrounding transit centers developed to serve the Bus Alternative, the rail system and station infrastructure that would be developed as part of a BART system extension would more likely foster concentrated, quality development in the proposed station areas. The development of BART infrastructure in the Irvington and Warm Springs areas would represent a major, permanent public investment in the proposed station areas that would be more amenable to private developers than bus stations as potential nodes for making long-term real estate investments.

In addition, as described in Chapter 5 (*Alternatives Analysis*) of the DSEIR, the Proposed Project is more likely than the Bus Alternative to promote transit-oriented development and smart growth surrounding the proposed station sites because that the Proposed Project better conforms with the city's land use and redevelopment goals, which advocate intensification of land uses in conjunction with rail transit opportunities in both the Warm Springs and Irvington areas. Land use intensification through transit-oriented development and access planning surrounding future station sites has been addressed for the area surrounding the optional Irvington Station through a comprehensive community-based process undertaken by the City of Fremont during the development of the Draft Irvington Concept Plan, which is in final draft form and is expected to be acted on by the City Council in the near term (see comment letter 11). An in-depth planning process will be undertaken by the City of Fremont to develop the Warm Springs BART Area Specific Plan, in coordination with BART and other stakeholders.

13-2 As stated in the DSEIR, the proposed Warm Springs Station site is located in the Industrial Planning Area, which is comprised of 4,000 acres and extends from Warm Springs Boulevard to the Baylands Planning Area west of Interstate 880. The *Fremont General Plan* does state that the "land use plan conserves the majority of designated industrial land for future industrial development." The *Fremont General Plan* also states that, "To make optimal use of the access provided by a future (Warm Springs) BART Station, the City is designating this area for consideration of alternative land uses. Conversion to residential use is one of the options under consideration." As noted in the response to comment 4-5 and as discussed in the DSEIR on page 3.5-34, it is expected that the Warm Springs BART Area Specific Plan will include a transit-oriented land use and infrastructure plan and urban design guidelines that will be adopted into the *Fremont General Plan*, with zoning changes necessary for its implementation. Accordingly, the industrial designation is expected to be modified as part of the Specific Plan process.

The Proposed Project is the 5.4-mile extension of the BART system from Fremont Station to a proposed station at Warm Springs, with an optional station at Irvington. Although the

Proposed Project does not itself include any development at station sites, the stations have been designed to encourage and accommodate future transit-oriented development. The statement on page 3.5-34 of the DESIR that "there are no specific proposals for transit-oriented development at the Warm Springs Station site" was included to emphasize that the WSX DSEIR does not include future development, and that future development at station sites would be subject to future environmental review by the City of Fremont. As a result, additional redevelopment and land use intensification that is anticipated by the City of Fremont, but is not yet included in the Alameda County Congestion Management Agency's model, were not included in the DSEIR analysis. See the response to comment 6-2. Accordingly, the projected ridership and resulting congestion relief air quality and energy benefits discussed in the DSEIR represent anticipated benefits of the Proposed Project *without* additional transit-oriented development in the vicinity of the stations. Future transit-oriented development projects would be expected to substantially enhance these benefits beyond those discussed in the DSEIR.

13-3 BART agrees that high-density development should be the goal for the areas surrounding BART stations. To this end, BART's Strategic Plan and BART's recently adopted System Expansion Policy both emphasize transit-oriented development to generate ridership from station sites. As noted in the DSEIR (page 3.5-34), the City of Fremont, with BART's support, is proceeding with a Warm Springs BART Area Specific Plan, and one objective of the process is to determine more specific land use designations. In addition, the Specific Plan will identify development constraints, development opportunities, and provide land use criteria, development densities, and design guidelines for the coordinated development of the station area. The City Council authorized staff to begin preparation of a Warm Springs BART Area Specific Plan, and a consultant team has been retained to prepare the analysis. City staff (with advice and assistance from BART) has developed the Specific Plan scope of work, which is currently scheduled for approval by the Fremont City Council on June 24, 2003. See also the response to comment 13-5.

13-4 The proposed Bus Alternative is a reasonable alternative to the Proposed Project. AC Transit considers the Proposed Bus Alternative a "high quality analysis [that] represents a model that should be used for analyzing alternatives in other transit corridors" (see comment letter 4). The proposed Bus Alternative offers the most reasonable, feasible comparison to the Proposed Project, and also incorporates enhanced bus service south to Santa Clara County. As illustrated by the relatively high ridership numbers for the Bus Alternative (6,300 linked transit trips in 2025 compared to 9,100 for the Proposed Project), the Bus Alternative is a viable alternative.

To conduct an "apples to apples" comparison, the type of transit service (e.g., commuter versus inter-city), hours of service, and geographic area served for the various alternatives must be similar. CEQA does not require detailed analysis of infeasible alternatives, and as discussed in Section 5.3 of the DSEIR, commuter rail service was considered for analysis and rejected as infeasible. For instance, the Capitol Corridor system serves a different market with few stops, and the Capitol Corridor alignment along the bay is inaccessible for many patrons. Capitol Corridor is constrained by using the same tracks as the Union Pacific freight line, which makes for a more circuitous, and therefore longer trip, than would otherwise be the case. Much of the Capitol Corridor is also single-track line, which makes any expansion more difficult or even prohibitive in environmentally sensitive areas, such as over wetlands.

13-5 The comment is incorrect. The analysis in the WSX DSEIR does analyze the Warm Springs Extension as an independent, stand alone project, not as part of the Silicon Valley Rapid Transit Corridor (SVRTC) project. However, BART is also required by CEQA to examine cumulative impacts of a proposed project together with other past, present, and reasonably foreseeable future projects. CEQA Guidelines Section 15130. For that reason, the reasonably foreseeable possibility that the proposed SVRTC project may be adopted by VTA was examined as part of the cumulative impacts discussion in the document to comply with the requirements of CEQA. Other than in the sections identified as cumulative impact analyses, all analyses of the Proposed Project's ridership and associated benefits for congestion relief, air quality, and energy are independent of the SVRTC project and would occur regardless of whether the SVRTC project is ever built.

BART believes that the Warm Springs Station has the potential to attract a large number of new riders even though it is not currently "a regional destination." While specific land use designations in the station areas are not yet in place, the planning processes for these areas are currently underway as discussed above and in the DSEIR. As shown in the DSEIR (see Figure 3.5-5, page 3.5-10), there are a number of undeveloped or underdeveloped parcels in the station area. The 34-acre station site is vacant as is an adjacent 36-acre parcel. Altogether, over 200 acres in the proposed Specific Plan study area are vacant or underutilized. This relative lack of development provides the opportunity to develop large-scale transit-oriented development projects around the station site.

13-6 The commenter has attached previous comments submitted during the scoping process for the DSEIR. The alternatives raised in the scoping comments (increased Capitol Corridor service, commuter rail, light rail) are addressed in the DSEIR on pages 5-12 to 5-15. The proposed Bus Alternative evaluated in Chapter 5 (*Alternatives Analysis*) of the DSEIR was developed in response to this and other scoping comments.

The time horizons utilized for modeling analysis in the DSEIR (2010 and 2025) represent a reasonable range of analyses that is typical for such projects. Federal New Starts Project criteria do not apply to this project, which is not a New Starts project. As noted above, cumulative impacts that would result from the Proposed Project together with VTA's proposed SVRTC project, if it is adopted, are analyzed throughout the DSEIR.

Letter 14

MATH/SCIENCE NUCLEUS
4074 Eggers Drive
Fremont, California 94536
(510) 790-6284
fax (510) 790-6089
msn@msnucleus.org; http://msnucleus.org

RECEIVED
MAY 09 2003
STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

May 5. 2003

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel
PO Box 12688 MS 1KB-6
Oakland, CA 94604-2688

Dear Mr. Wenzel,

It was a pleasure to meet you at the April 14th meeting on the Draft SEIR for the BART Warm Springs Extension. Below are some of my comments and concerns on the report:

1. Remove Irvington Station from plan

The Irvington Station does not make sense to develop, since the Warm Springs Station is within close proximity. It seems like the station will not add traffic into Irvington area because of lack of "shopping" appeal to BART riders, and it makes more sense to go to Ohlone through the Warm Springs Station. Since the Irvington Station is on the trace of the Hayward fault and on the historic wine cellar, it seems that this could be converted into a more ecstatic area for the community. Congestion in this area is terrible now, and even with the grade separation project it will not alleviate the problem. 14-1

Although the plan says "optional" it does not provide the reader with options of what the land usage would be without a station. Since Washington Creek goes under this area and Sabercat joins near Blacow and Driscoll it would have been nice to have an alternative proposal.

2. The proposed extension goes over some of the most environmentally sensitive areas that our group (Tyson Lagoon (south pond) and Stivers Lagoon) has been trying to preserve with the help of the City of Fremont and Alameda County. The revised plan seems to address some of these issues, but I would like to detail some other considerations. 14-2

I was unclear of the exact area that BART would go under. Would like to see a field trip that delineates the areas.

Impact H1 - Infiltration rates in this area is tricky…. There seems to be gravel layers that if breached will cause the water to infiltrate at a higher rate. Mitigation may be difficult if care is not taken when tunneling. 14-3

Impact H3 – Loss of Flood storage at Tule South Pond
Our group has a license agreement with Alameda County Public Works to maintain the educational facility at 1999 Walnut. Drainage from the southern part of the upper Mowry Slough Watershed drains into south before it goes into Tyson Lagoon… I did not see detail plans on this drainage to get into Tyson Lagoon. 14-4

Impact H4. Our group would like to be involved in decision on mitigation as this directly reflects on our responsibilities at Tule Ponds at Tyson Lagoon Wetland Center. 14-5

Impact Biological. Critical need for partnership with Math/Science Nucleus and City of Fremont programs.

Our group would like to be consulted when determining wetland habitat, we have done extensive work including monitoring of Stivers and Tyson Lagoon areas. Our educational programs can be impacted by minor decisions. Consulting ecologists may not understand how we are using the material and our group has qualified Ph.D. and M.S. who are currently doing work in the area. Our group in conjunction with local ecologists, are maintaining a swallow nest and raptor nest programs.

Also in this area there are opportunities to create new wetlands, we would like to see BART form a committee that would include participation by the groups that are working in this area. However, participation should include financial incentives. 14-6

We would also like BART to consider developing a corridor from Tule Ponds to Lake Elizabeth, opening up habitat space.

Good luck on the project, and we hope that the project succeeds while enhancing our educational program and not destroying them.

Sincerely,

Joyce R. Blueford

Joyce R. Blueford, Ph.D.
Geologist
Board President

Response to Comment Letter 14 (Math/Science Nucleus)

14-1 The optional Irvington Station, if constructed, would provide a major transit access point to the Irvington area. As shown in Table 2-2 in Chapter 2 (*Project Description*) of the DSEIR, the number of new riders that would use the station each day, beyond those projected for the Proposed Project (without the optional Irvington Station), would be approximately 1,400 for the year 2010 and 2,600 for the year 2025 new riders. The City of Fremont included the concept of the optional Irvington Station in the Draft Concept Plan it is developing for the Irvington redevelopment area.

The optional Irvington Station, if constructed, would be designed to seismic safety standards and monitored as required by Mitigation Measures 1A and 1B (see Appendix B of the DSEIR).

As described in Section 3.8 (*Cultural Resources*) of the DSEIR, the optional Irvington Station would be designed to avoid the ruins of the Gallegos Winery.

As described in Section 3.5 (*Land Use and Planning*) of the DSEIR, the City of Fremont has prepared a Draft Concept Plan for the Irvington redevelopment area. The redevelopment plan envisions the City of Fremont’s grade separations project and the optional Irvington Station. The city would determine land uses adjacent to the Proposed Project if the optional Irvington Station were not implemented. Access to parcels adjacent to the Proposed Project alignment in the vicinity of the optional Irvington Station would be affected by the city’s grade separation project.

The optional Irvington Station design would not include restoration of Washington Creek, which does not exist at the proposed optional Irvington Station site. Restoration of creeks within the Irvington district is included in the City of Fremont’s Draft Irvington Concept Plan but does not include creek restoration in the vicinity of the optional Irvington Station site.

14-2 Comment noted. BART will conduct a community information program during the design and construction phases of the Proposed Project to provide information concerning the project to residents.

14-3 Construction of the subway would be by cut-and-cover excavation, not tunneling. BART expects the excavation to remain above the gravel layer.

14-4 The Proposed Project would not affect the Upper Mowry Slough watershed drainage into Tyson’s Lagoon (called Tule Pond north in the DSEIR). These water features are located to the northeast of the Proposed Project and outside the construction area for the Proposed Project. Figure 2-4a in the DSEIR shows the lagoon and educational facility as the open water in the upper left corner of the aerial photograph. The connection between Tule Pond north and south would be maintained, and flood storage capacity at Tule Pond south would be maintained (see Mitigation Measure H3).

14-5 Pursuant to Mitigation Measure H4, BMPs consistent with the requirements of the NPDES General Permit for Industrial Activities will be designed through coordination with the agencies having jurisdiction as described in the DSEIR. Local community groups can get involved in the process through the agencies that have jurisdiction.

14-6 Wetland mitigation pursuant to Mitigation Measures BIO3, BIO5, and BIO12 would be designed through coordination with the agencies having jurisdiction as described in the DSEIR. Local community groups can get involved in the process through the agencies that have jurisdiction. In addition, BART would have a community outreach program to actively involve other parties in the project as it progresses. As a general policy, BART does not provide financial incentives for community groups involved in the planning process.

In consultation with the appropriate resource agencies, a habitat corridor may be considered during the development of biological mitigation measures if appropriate to mitigate impacts of the Proposed Project.

Letter 15

RECEIVED
MAY 0 6 2003
STATIONS CA[illegible] PROGRAM
TRANSIT SYSTEM DEVELOPMENT

PETITION

April, 2003

We, the undersigned, draw attention of BART and Government Officials to the following:

Regarding:

Noise and vibration resulting from the proposed BART Warm Springs track extension as they would effect the quality of life of our local neighborhood.

Location of Specific Concern:

The proposed BART and Union Pacific track alignments on the property between Paseo Padre Parkway (northern border) and Washington Boulevard (southern border). Residents off of Driscoll Blvd. Fremont, CA. (Map enclosed.)

Details of Concern:

We, the following undersigned residents, are voicing our deep concern about the proposed BART Warm Springs extension. 15-1

Of particular concern is the location of the proposed track alignment on the property mentioned above, noise and vibration resulting from frequently running BART commuter trains and Union Pacific realigned railroad freight traffic, as well as heretofore, unrecognized impacts on our property values and quality of life.

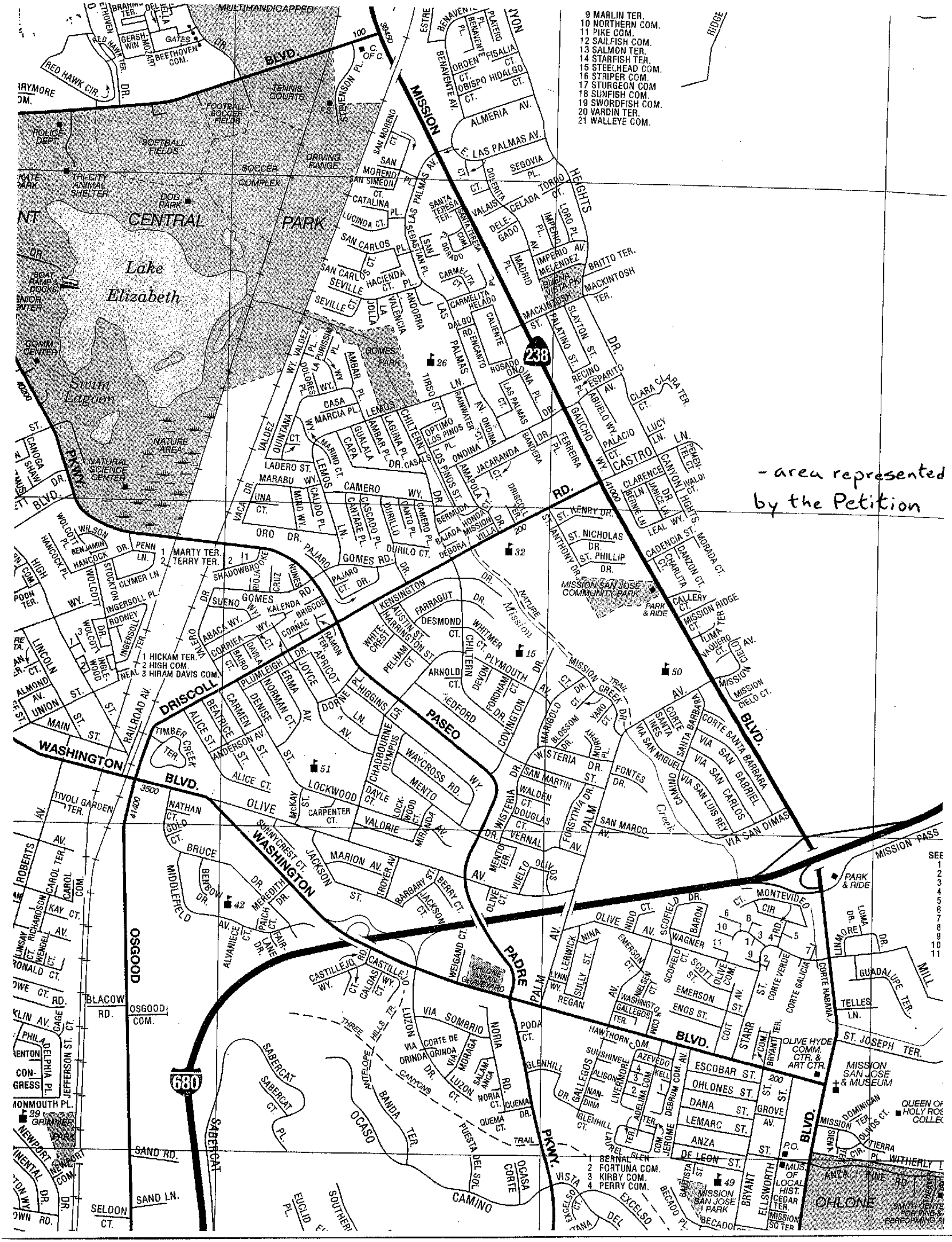
We propose that the tracks be realigned further west, away from the homes that lie to the west of Driscoll Blvd., and that noise and vibration abatement be installed such that the impacts of the rail traffic are minimized as much as reasonably possible, *not just legally required.* The track alignments, as presently proposed, will be situated too close to our homes, in some cases less than 75 feet.

We are convinced that the comfort, enjoyment, and value we derive from our homes are being compromised without sufficient consideration and redress.

Petition Recipients:

WSX BART Extension **Richard Wenzel** MS 1KB - 6 P.O. Box 12688 Oakland, CA 94604-9954	**Gus Morrison** Mayor City of Fremont P.O. Box 5006 Fremont, CA 94537-5006	**Steve Cho** Councilmember City of Fremont P.O. Box 5006 Fremont, CA 94537-5006	**Dominic Dutra** Councilmember City of Fremont P.O. Box 5006 Fremont, CA 94537-5006
Bob Wasserman Councilmember City of Fremont P.O. Box 5006 Fremont, CA 94537-5006	**Liz Figueroa** State Senator 43271 Mission Blvd. Fremont, CA 94539	**John Dutra** State Assembly 39510 Paseo Padre Pkwy. Fremont, CA 94538	**Pete Stark** U.S. Representative 3900 Civic Center Dr. Ste. 220 Fremont, CA 94538

Direct Responses to: Douglas Bazzone , as well as to the signatures.
40971 Valero Dr.
Fremont, CA 94539



- area represented by the Petition

PETITION

We, the undersigned, draw attention of BART and Government Officials to the concerns mentioned above including:

Noise and vibration resulting from the proposed BART Warm Springs track extension as they would effect the quality of life of our local neighborhood located near Driscoll Blvd., Fremont, CA. We are convinced that the comfort, enjoyment, and value we derive from our homes are being compromised without sufficient consideration and redress.

NAME (Printed)	SIGNATURE	ADDRESS
Doug Bazzone		40971 Valero Dr. 94539
Wendy Wang	Wendy Wang	40971 Valero Dr. 94539
MeLanie Yang		40961 Valero Dr. 94539.
XIJIAN LIN		40951 Valero Dr. CA 94539
VIJAY SETHNA		40941 Valero Dr. CA 94539
RUPA SETHNA	Rupa Sethna	40941 Valero Dr CA 94539
Qiuliang Fu	Qiuliang Fu	40950 Valero Dr. CA 94539
Hongyan Lin	Hongyan Lin	40950 Valero Dr. CA 94539
Chian-Pang Kung		41001 Valero Dr. CA 94538
PECK KHENG KEG		41001 Valero Dr CA 94539
Linda C Gilmore	Linda C Gilmore	40960 Valero Dr Ca 94539
WENDY TAO	Wendy Tao	40951 Valero Dr. Ca 94539
DON DUKES		2417 Gomes Rd CA 94539
Kathleen Dukes	Kathleen Dukes	2417 Gomes Rd CA 94539
Jean Henretty	Jean Henretty	2356 Gomes Rd. 94539
Tracy Henretty		2356 Gomes Rd. 94539
Bonnie Regan	Bonnie Regan	2465 Sueno Way 94539
Scott Regan		2465 SUENO WAY 94539

PETITION

We, the undersigned, draw attention of BART and Government Officials to the concerns mentioned above including:

Noise and vibration resulting from the proposed BART Warm Springs track extension as they would effect the quality of life of our local neighborhood located near Driscoll Blvd., Fremont, CA. We are convinced that the comfort, enjoyment, and value we derive from our homes are being compromised without sufficient consideration and redress.

NAME (Printed)	SIGNATURE	ADDRESS
KRITHIVASAN SUKUMARAN	Krithivasan Sukumar	40981 Valero Dr, Fremont, CA 94539
NIRANJANA SUKUMARAN		40781 Valero Dr, Fremont, CA 94539
William Wheeler	William Wheeler	40910 VALERO DR. FREMONT, CA. 94539
KARL L CZAUZECK	Karl L Czadzek	40901 VALERO DRIVE, FREMONT 94539
MARGARET CZADZECK	Margaret Czadzek	40901 VALERO DRIVE FR 94539
Douglas Tinney	D.A. Tinney	40851 Valero Drive, Fremont 94539
BIBEK GHOSH		2267 GOMES RD, FREMONT 94539
SIPRA GHOSH	Sipra Ghosh	2267 GOMES RD, FREMONT, 94539
YUPING LU		2237 Gomes Rd, Fremont, CA 94539
MIN CHEN		2237 Gomes Rd, Fremont CA 94539
PHILIP YIN		2297 Gomes Rd Fremont CA 94539
HIAN YIN		2297 Gomes Rd Fremont CA 94539
HOTTEL EDWARD L	Edward L Holt	2597 ABACA WAY [illegible]
Mohan Vaidyanathan		2572 Abaca way fremont
Padma Mohan	Padma Mohan	2572 Abaca way fremont
Joyce Lynch	Joyce Lynch	2493 Abaca Way Fmt 94539
Daniel J Lynch		2493 Abaca Way Fmt 94539
ORMO LAU	Orm Lau	2532 Abaca Way, Fremont CA 94539

PETITION

We, the undersigned, draw attention of BART and Government Officials to the concerns mentioned above including:

Noise and vibration resulting from the proposed BART Warm Springs track extension as they would effect the quality of life of our local neighborhood located near Driscoll Blvd., Fremont, CA. We are convinced that the comfort, enjoyment, and value we derive from our homes are being compromised without sufficient consideration and redress.

NAME (Printed)	SIGNATURE	ADDRESS
Hermanchow	Hermanch	2532 Abaca Way Fremont CA 94539
Pat Snow	Pat Snow	2563 Abaca Way, Fremont 94539
Jian-Guo Wu		2593 Abaca Way, Fremont 94539
Hu zhen Wu	Huzhen Wu	2573 Abaca Way Fremont 94539
Changcan LI	Changcan Li	2592 Abaca way Fremont CA 94539
Yunfeng Zhu		same
Hongken Ma	H Ma	4031 Valero Dr. Fremont CA 94539
	NANG YAU TAY	40991 Valero Dr. Fremont CA 94539
Chi-Hsiang Hsiao		40991 Valero Dr. Fremont CA. 94539
GRACY JOSEPH	Gracy Joseph	3185 DRISCOLL RD, FREMONT 94539
KUNJOONJU JOSEPH	K Joseph	SAME Adress
Rochelle Barlow	Rochelle Barlow	3101 Driscoll Rd Fremont Ca 94539
Stephen Barlow	Steph Barlow	3073 #B Driscoll RD Fremont CA 94539
Annette Moreno	Annette Moreno	3073 Driscoll Rd #A Fremont CA 94539
VINAY POHRAY	Vinay	41061 Valero Dr, Fremont CA 94539
VRUSHALI TEMBE	Vrushali Tembe	41061 Valero Dr, Fremont CA 94539
Jamie Lee		41060 Valero D. Fmt, CA 94539
PATRICK NIP		41071 VALERO DR FREMONT, CA 94539

PETITION

We, the undersigned, draw attention of BART and Government Officials to the concerns mentioned above including:

Noise and vibration resulting from the proposed BART Warm Springs track extension as they would effect the quality of life of our local neighborhood located near Driscoll Blvd., Fremont, CA. We are convinced that the comfort, enjoyment, and value we derive from our homes are being compromised without sufficient consideration and redress.

NAME (Printed)	SIGNATURE	ADDRESS
CeCe Tang		41070 Valer Dr.
Shaozhong Li		Fremont CA 94539
Haiyan Song	Haiyan Song	41088 Valero Dr. Fremont CA 94539
Huaixi Li		Fremont, CA 94539
Derrick Zhang		41090 Valero Dr. 94539
NANCY ZHANG		41090 Valero Dr 94539
Vivian Zhang		41090 Valero Dr. 94539
Lin Yang	Lin Yang	41090 Valero Dr. Fremont
Lambert KAO		41091 Valero Dr., Fremont
Joanna Kao		41091 Valero Dr.
Shishir Khedkar	Shishir	41081 Valero Dr.
WEI GAO	Wei Gao	2593 Corriea Way Fremont
Yuancheng Zheng		2593 Corriea Way Fremont
Emily Zheng	Emily Zheng	2593 Corriea Way, Fremont
Denton Xu	Denton Xu	39521 Platero Place
Peter Dai		2573 Corriea Way
	Peter Dai	2573 Corriea Way
Susan Wagner	Susan L Wagner	2523 Abaca Way

PETITION

We, the undersigned, draw attention of BART and Government Officials to the concerns mentioned above including:

Noise and vibration resulting from the proposed BART Warm Springs track extension as they would effect the quality of life of our local neighborhood located near Driscoll Blvd., Fremont, CA. We are convinced that the comfort, enjoyment, and value we derive from our homes are being compromised without sufficient consideration and redress.

NAME (Printed)	SIGNATURE	ADDRESS
DAVID S. YANG	David S. Yang	2215 Shadowbrooke Common Fremont 94539
RON BAUMANN	Ronald Bauman	2223 Shadowbrooke Common F 94539
SUJIT DALAI	S. Dalai	40865 TERRY TER. Fremont 94539
Chengye Mao	Chengye Mao	40884 Marty Ter. Fremont, 94539
Yundong Zhang	Yundong Z	40878 Marty Ter. Fremont. 94539
SeeWing Yee		40872 Marty Ter. Fremont, CA 94539
90 400 BO XIONG		40889 MARTY TER. Fremont CA 94539
TIEN-CHIH LIN		40884 Terry Ter. Fremont. 94539
[illegible]		40866 Terry Ter. Fremont 94539
BHAVANI RAJAN		40859, Terry Terrace, Fremont
~~Shyam~~ Latha Suri	Latha Suri	2375 Shadowbrooke Cmn, Fremont
Shyam Suri	Shyam Suri	2375 Shadowbrooke Cmn, Fremont
Mari Vogel	Mari Vogel	2383 Shadow Brook Cn Fre
PHONG NGUYEN	Phong Nguyen	2391 Shadowbrooke Cmn.
GREG FRANCISCO		2582 ABACA WAY Fremont. 94539

Response to Comment Letter 15 (Petition, Douglas Bazzone and others)

15-1 The comment requests that the Proposed Project be realigned further west, away from the homes west of Driscoll Boulevard. However, the Proposed Project alignment is heavily constrained in the area between Paseo Padre Parkway and Washington Boulevard, an area where it interfaces with the City of Fremont's two grade separations and the realignment of the Union Pacific Railroad (former Southern Pacific) track. To minimize impacts to local residents, the city's grade separation at Paseo Padre Parkway is specifically located midway between the two residential areas east and west of the existing railroad corridor. The city's grade separation at Washington Boulevard is designed to fit within the existing topography at Washington Boulevard, where the rising ground to the east of the existing railroad corridor makes an auto overpass feasible. These two fixed points, one on Paseo Padre Parkway and one on Washington Boulevard, limit the flexibility of the alignment for the relocated UP tracks, which must run between these two points. The Proposed Project alignment would have to be parallel to the relocated UP alignment and would have to run between these two points to take advantage of the two grade separations projects. Therefore, the possibility of moving the BART alignment to the west within the Paseo Padre Parkway-Washington Boulevard segment is not considered feasible.

The environmental impacts of an alternative alignment shifted to the west in this location are not analyzed in the DSEIR or in the 1992 EIR. Should the BART Board of Directors wish to consider this alternative, it would be necessary to prepare a second supplemental environmental document to examine this alternative.

BART has identified mitigation measures for potential noise and vibration impacts to residences east of the alignment between Paseo Padre Parkway and Washington Boulevard. Mitigation Measure N1 would reduce noise impacts in this area to a less-than-significant level. Mitigation Measure N1 includes construction of a noise barrier and installation of building sound insulation if necessary.

Vibration impacts to residences on the east side of the alignment between Paseo Padre Parkway and Washington Boulevard would be mitigated to the extent feasible by implementation of Mitigation Measure N2. This mitigation measure includes use of ballast mats, resilient fasteners and/or resilient supported ties, and special trackwork at crossovers as necessary. Residences along Valero Drive and Driscoll Road north of Washington Boulevard would experience vibration impact due to proximity of residences to the alignment and the need for a crossover between points 2309 and 2315. During final design, BART would test each of the vibration impact measures for effectiveness, including modifying the precise location of the crossovers as necessary, to minimize vibration impacts to the extent feasible.

The comment raises concerns regarding impacts on property values, and requests that noise and vibration abatement be installed such that impacts are minimized "as much as reasonably possible, not just legally required." A reduction in property value is not considered an environmental impact for purposes of CEQA. The DSEIR is a legal document prepared to comply with the requirements of CEQA. As noted above, the analysis concludes that mitigation measures identified in the DSEIR would suffice to mitigate noise impacts to a less-than-significant level. BART understands that there is concern that the DSEIR characterizes some vibration impacts as potentially significant and unavoidable, even after mitigation. This is because vibration impacts and mitigation measures are site-specific and cannot be predicted before the final design and engineering phase of the project. Under these circumstances, where BART cannot yet be sure of the site-specific results of mitigation, BART is required to treat the impact as potentially significant and unavoidable. Nevertheless, BART is committed to exploring and implementing all feasible measures to reduce vibration as well as noise in the final design process.

TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND

16 Monte Cimas Avenue Mill Valley, CA 94941 415-380-8600

May 9, 2003
By Fax & E-mail

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Re: WSX DSEIR

Dear Mr. Wenzel:

TRANSDEF is a Bay Area non-profit dedicated to improving regional planning for air quality, transportation and land use. We are pleased to be able to comment on the environmental document for this important project for the Bay Area.

1. This project is an illegally chopped phase of the San Jose BART Extension Project.

In our scoping comments, we stated:

> We are concerned that the proposed extension have a legally adequate purpose and need statement. In particular, the project must be demonstrated to function meaningfully as a standalone project, independent of any other BART extension. We have grave doubts that there is any transportation rationale for spending hundreds of millions of dollars to provide 5 miles of rapid transit from a pasture to Fremont.

16-1

The mere existence of different institutional sponsors for these allegedly separate projects does not justify treating them separately under CEQA. The San Jose Extension cannot proceed without the Warm Springs Extension. The Warm Springs Extension accomplishes no significant public benefits by itself. The independent existence of the Warm Springs Extension project is a legal fiction. The fact that the Proposed Project's transportation modelling was done with a model specially modified by VTA supports the allegation that the project is not independent.

a. With a $700 million pricetag and minuscule benefits, the Project doesn't pass the straight-face test.
At best, this project provides transit mobility for 7,200 auto drivers in 2025. That is the equivalent of a minor bus line, yet at a fantastically elevated cost. Obviously, there is something more going on here. This is not an independently operable segment. It adds no value to the BART system. The proposed project will offer travel time savings (as compared to No-Project) to fewer than half the origin-destination pairs identified in Tables 3.9-13 and 3.9-14. Some trips would take longer with the proposed project! 16-1a

TRANSDEF's scoping letter only partially facetiously requested the costing of a chauffeur-driven limousine alternative to the Proposed Project. We believe that the transportation function could be accomplished by such an alternative (which would include picking up multiple passengers, similar to carpooling) at significantly less cost.

b. The only serious justification for the Proposed Project is linking the South Bay.
The Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension produced great volumes of detail, but failed entirely to answer our demand for substantiation that the project can seriously be considered to stand alone. A multitude of references, on the other hand, point to the only reasonable justification for the Proposed Project:

"However, because of public support for the extension of rail transit service from Fremont to Santa Clara County, BART continued to consider the possibility of an extension from Fremont to Warm Springs and other transit agencies continued to study the regional corridor." 1-6

16-1b

"The Proposed Project will complement and expand existing travel modes in the regional Fremont-South Bay Corridor." 1-14-15

"The Proposed Project would provide a key segment in the Bay Area's regional rail transportation network between San Francisco, the East Bay, and the South Bay by providing a link *as part of the plans for an integrated system* between BART, AC Transit District and VTA." 4-4 (emphasis added).

Other similar references to the South Bay can be found on the following pages of the report: 1-3, 1-13, 3.1-8, 3.5-24 (Goal 4), 3.5-41 (Cume1), and 5-13.

c. There is no point to providing high-capacity transit service for the existing land use pattern or to vacant lots.
There is no significant transit destination or origin at the Warm Springs or Irvington proposed station sites. The Industrial Planning Area (the location of the proposed Warm Springs Station), "[a]s the name implies, is dominated by industrial uses, including warehouses and high technology...." 3.5-9 In addition, significant retail and business park uses are accessed by automobile. These are not transit destinations. 16-1c

"Zoning adjacent to the Proposed project alignment is dominated by open space and industrial." 3.5-22 "The proposed Warm Springs BART Station is perhaps unique in the South Bay in the degree to which there is vacant land around it." 3.5-34 "In general, the access roads to the proposed Warm Springs Station are not pedestrian oriented." 3.9-15 "The optional Irvington Station area is generally not pedestrian oriented." *Id.* 16-1c cont'd

e. There is no evidence that the Proposed Project will lead to Smart Growth. Historically, no BART extension has ever been accompanied by Smart Growth or transit-oriented development. There is no reason to believe that Fremont will actually adopt plans that require significantly higher densities around BART stations. The current "*General Plan* states that the Industrial Area should be retained." 3.5-16 Only one of Fremont's past project approvals, as indicated in Table 3.1-1, a senior housing complex, could be considered transit-oriented development. None of the proposed development in that table could be considered transit-oriented development. If anything, the Fremont Council's approval of the Wal-Mart application indicates an indifference to Smart Growth that must be considered as evidence of the dubious automobile-oriented future for land surrounding the stations. The mere existence of planning processes for the station sites is inadequate evidence that the land will develop into anything other than low-density residential and light industrial uses. Thus, it is entirely speculative to identify land use benefits of the project on pg. 6-6, unless a mitigation program is written into the EIR identifying a requirement for Fremont to adopt specific minimum density zoning for the applicable parcels surrounding the station sites before the project can commence. 16-1d

e. There is no evidence that the Proposed Project is even intended to lead to Smart Growth.

It is astonishing that an environmental document that purports to identify the transit-oriented development benefits from extending expensive transit infrastructure into vacant lands failed to even indicate the standard half-mile and quarter-mile pedestrian access radii on its land use maps. This lack makes us believe that references to transit-oriented development are entirely gratuitous, to make the project sound far more environmentally sound than it really is. In addition, there is no reference anywhere in the document to the number of people either working or living within the pedestrian radii, both currently and at 2025. That would be a clear indication of the intention of the project sponsor to actually accomplish Smart Growth. The presentation of demographic information for only the entire City of Fremont and the County of Alameda implies that pedestrian access and transit-orientation are not important factors for planning. While the Appendix N section on Travel Demand Modelling identifies the demographic data as coming from ABAG, the numbers of employees and residents, both currently and at 2010 and 2025, should be stated. These numbers are critical in evaluating whether the proposed project is making a serious effort to provide mobility to transit-oriented development. Table 3.9-10 indicates that only 15% of the entries and exits in 2025 are expected to access the station by walking or riding a bike. Twice as many would access the station by car. This pattern is not consistent with transit-oriented development. 16-1e

Nonetheless, the FSEIR should document the numeric demographic assumptions as to the present and future land use within quarter-mile and half-mile radii of the station sites.

f. The only way to cure the chopping is to join the WSX to the SVRTC project. Because the Proposed Project is not a stand-alone project and has no honorable existence other than as the first phase of the SVRTC, it must be studied as part of the latter project, despite the fact that the projects have different institutional sponsors. 16-1f

2. The Proposed Project is not consistent with existing plans, goals and objectives. This constitutes a Significant Impact which must be mitigated or identified.

a. The following BART Strategic Plan Objectives (3.5-24-25) are obviously not being met by this project, creating an inconsistency that must be identified as a Significant Impact:

"Increase transit ridership." --Building BART to vacant lots fails to increase ridership.

"Reduce percentages of single-occupied vehicles relative to access of all other modes" –By designing large station parking lots and failing to secure from the City of Fremont minimum density guarantees for surrounding new development, BART ensures a high percentage of access by single-occupied vehicles.

b. The following BART System Expansion Policy and Criteria (3.5-25-26) are obviously not being met by this project, creating an inconsistency that must be identified as a Significant Impact: 16-2

"Generate new ridership on a cost-effective basis." --While no 'cost per new rider' calculation appears in the DSEIR, the actual figure must be so high that it would enrage the public if it were made available.

"Demonstrate a commitment to transit-supportive development." –BART has done nothing to ensure that the station areas are preserved for transit-supportive development. In fact, the Fremont Council recently approved a Wal-Mart within the project vicinity. Had there been an actual commitment, this could not have happened.

"Land Use: Evaluate potential system benefits accrued as a result of adjacent land uses along rail/bus corridors, based on year 2025 projected net residential and employment land use densities around planned stations or transit corridors." –This was not done.

"Cost effectiveness: Evaluate "cost per new rider," measured as dollars per new rider (shifting from auto to transit, not transit to auto)." –This was not done. See above.

c. The following ACCMA Steering Committee Guiding Principle (3.5-27) has not been met, creating an inconsistency that must be identified as a Significant Impact:

"Transportation investments must be made in conjunction with appropriate land use planning..." –There is no adopted transit-oriented land use planning. The environmental document should only be prepared after the land use has been planned. Certification of the DSEIR in advance of adoption of planning for the station areas would be a Significant Impact, unless mitigated by a requirement that the Proposed Project can not be approved unless minimum density zoning standards are adopted for the lands adjacent to the station areas. The specification of the zoning standards would trigger a recirculation of the environmental document.

16-3

d. The following *Countywide Transportation Plan* Objective has not been met, creating an inconsistency that must be identified as a Significant Impact:

"A service-oriented transit system that provides frequent, convenient, and reliable service to the major activity centers in each of the county's major transportation corridors." –Alameda County is violating this objective by making this project a high-priority recipient of Measure B funds, despite the fact that it does not serve a major activity center.

3. A Subsequent EIR must be prepared for the Proposed Project.
Since the 1992 EIR, the State of California is expending a significant effort to plan for High Speed Rail service from Los Angeles to San Francisco. In furtherance of that effort, and as an indication of the seriousness of its commitment to High Speed Rail, it has placed the largest bond measure in its history on the 2004 ballot. This constitutes new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete.

The public could possibly vote to authorize a High Speed Rail system next year. At today's MTC Planning and Operations Committee meeting, a debate occurred as to whether the HSR EIR should be reopened to study bring a rail line across the Altamont Pass, connecting to San Francisco and San Jose near Fremont or Newark. The Committee voted unanimously to bring the issue before the full Commission for possible action, which could be a recommendation to the High Speed Rail Authority to reopen its EIR and add an Altamont Pass alternative. Due to today's action by the Committee, the possibility of an Altamont Pass rail line is no longer merely speculative, but has a finite potential for coming into existence.

16-4

The Proposed Project would not only waste significant public resources in that eventuality, it might actually compromise a possible route for the High Speed Rail. Because of the High Speed Rail/Altamont Pass alternative would provide better service from Fremont to San Jose (it would offer higher speeds and the possibility of express service), this alternative could supplant the BART extension to San Jose, which would make the Proposed Project entirely superfluous. These are significant effects that were not discussed in the 1992 EIR, thereby necessitating a subsequent EIR.

4. The Proposed Project facilitates sprawl.

Because there are no land use commitments by the City of Fremont to increase the density zoned for the areas surrounding the proposed stations, the Proposed Project has the potential to cause more growth in outlying areas of the Bay Area than would occur if the Warm Springs and Irvington areas functioned as transit-oriented development zones. Because the Proposed Project is dependent on the region's scarce financial resources, which are very much needed to counter the trend towards sprawl, low density land use around the Proposed Project will hurt the entire region. The mitigation proposed earlier, a requirement that the project not receive approval until a transit-oriented land use plan and zoning has been approved by the City of Fremont that will increase densities to significant urban levels, would produce an environmentally superior alternative when the regional impacts of the project are evaluated. Otherwise, without the mitigation, the project is likely to squander an extremely expensive opportunity to site a significant part of the region's further growth, condemning the region to more sprawl. 16-5

Conclusion

TRANSDEF appreciates this opportunity to provide these comments on the DSEIR. Our hope is that they will be useful in improving the ultimate project. We would be pleased to speak with project staff to answer any questions, or seek solutions.

Sincerely,

/d/ David Schonbrunn

David Schonbrunn,
President

Response to Comment Letter 16 (Transportation Solutions Defense and Education Fund)

16-1 The Proposed Project is a revised and updated alignment for the Warm Springs Extension project adopted by the BART Board in 1992. The Proposed Project closely follows the 1992 adopted alignment (1992 Adopted Project). The primary modification of the Proposed Project is a subway under, rather than a conspicuous aerial alignment skirting, Lake Elizabeth in Fremont Central Park. Controversy regarding the aerial alignment adopted in 1992 posed a major obstacle to commencement of the project after its initial adoption. The 2003 Proposed Project eliminates the serious aesthetic and land use impacts of the former aerial alignment. In addition, the 2003 Proposed Project takes advantage of the City of Fremont’s grade separations projects at Paseo Padre Parkway and Washington Boulevard. This allows more of the alignment to be at grade, which simplifies construction and reduces cost while eliminating environmental impacts associated with the 1992 Adopted Project’s aerial and below-grade segments. Due to these project changes, as well as changes in surrounding circumstances since 1992, a supplemental EIR was prepared rather than a new EIR, which would have been required for a new project. Nevertheless, the Proposed Project is essentially a realization of the 1992 Adopted Project with improvements to reduce environmental impacts and costs. The independent existence of the Proposed Project is a longstanding fact, not a “legal fiction” as the comment asserts.

The Silicon Valley Rapid Transit Corridor (SVRTC) project is a 16.3-mile extension of the BART system proposed by the Valley Transportation Authority (VTA) to connect Santa Clara County to the BART system. The SVRTC proposed extension is a new project. As such, it has not been subject to any previous environmental analysis and is currently being evaluated in an EIS/EIR being prepared by VTA pursuant to CEQA and the National Environmental Policy Act (NEPA). (Since the SVRTC project relies on federal funding, it is subject to both NEPA and CEQA requirements.) It is correct that the preferred alternative analyzed by VTA in its EIS/EIR would be an extension of a BART rail alignment from the Warm Springs Station to Santa Clara County, and that the BART Warm Springs Extension is necessary for this alternative to be viable. However, the Proposed Project is a wholly separate project that has independent utility and could be constructed and operated regardless of whether the SVRTC project is ever built. Completion of the SVRTC project is not a crucial element without which the Proposed Project could not be constructed, and it is not necessary to achieve the benefits of the Proposed Project as discussed below.

BART disagrees with the commenter’s assertion that the Proposed Project accomplishes no significant public benefits by itself. The analysis presented throughout the DSEIR demonstrates that the Proposed Project functions as a meaningful stand-alone project, independent of the proposed SVRTC project. Except for those analyses specifically identified under “cumulative impacts” (discussed below), all analyses of the Proposed Project’s ridership and associated benefits for congestion relief, air quality, and energy, as well as the opportunities the Proposed Project would create for transit-oriented development and further consequential benefits, represent public benefits of the Proposed Project by itself. These benefits are independent of the SVRTC project and would be realized by the Proposed Project regardless of whether the SVRTC project is ever built.

The commenter suggests that the Proposed Project has a doubtful rationale because it would provide "5 miles of rapid transit from a pasture to Fremont." BART disagrees with this assertion. See the response to comment 16-1c.

In addition, an EIR prepared pursuant to CEQA must contain an analysis of "cumulative impacts" of the subject project together with other past, present, and probable future projects in the study area. CEQA Guidelines Section 15130. Whether projects are independent or related does not affect the requirement to include them in such cumulative analysis. Independent and related projects all must be evaluated together for cumulative impacts purposes. CEQA requires an analysis of cumulative impacts of the Proposed Project and the SVRTC project together, in precisely the same way as it requires analysis of the cumulative impacts of the Proposed Project and any other independent project in the vicinity. For that reason, the reasonably foreseeable possibility that the proposed SVRTC project may be adopted by VTA was examined under the heading of cumulative impacts in the DSEIR.

For consistency, efficiency, and cost-effectiveness, transportation model modifications jointly developed by BART and VTA were used in the DSEIR for analysis of the Propose Project's impacts and benefits by itself. The transportation model used in the DSEIR analysis was derived from the MTC regional (nine county) transportation model and modified for the Proposed Project. Given the geographical scope of the model, it also covered the area of the SVRTC project. To comply with CEQA requirements for cumulative impacts analysis of the reasonably foreseeable consequences if both projects were adopted, it was necessary to conduct a transportation analysis of the Proposed Project combined with the SVRTC project, which specifically required a modeling effort that included both projects. BART and VTA coordinated on the WSX modeling effort in order to use a consistent methodology and make the most efficient use of the few individuals qualified to do the modeling. This approach was taken to reduce time and cost for both projects. Had BART utilized a different model to analyze the Proposed Project in the DSEIR, BART would have had to either use its own model to analyze cumulative impacts from the SVRTC project (inconsistent with VTA's EIS/EIR), or use two different models within the DSEIR (its own for the Proposed Project and VTA's for cumulative impacts). BART's compliance with cumulative analysis requirements by efficiently coordinating with VTA was reasonable and does not support the commenter's claim that the Proposed Project is not independent.

16-1a The estimated capital cost of the Proposed Project is $634 million (2001 dollars), not $700 million. The BART Board of Directors will take project costs and projected ridership into account in determining whether to go forward with the Proposed Project. See also the response to comment 16-2.

BART disagrees with the statement that the Proposed Project is not independently operable. See the response to comment 16-1 above.

Table 3.9-13 provides a comparison of a.m. peak hour travel time between different transportation scenarios for 2010 conditions, and Table 3.9-14 provides a similar comparison for 2025 conditions. These tables consist of travel time comparisons between selected residential locations and selected Bay Area employment centers. The locations have been selected to be representative examples. The small set of travel times is not intended to characterize all travel patterns in response to the Proposed Project. In some cases, transit is competitive with highway times under all alternatives. In other cases, transit times improve substantially for one or more build alternatives. However, in some of the travel time comparisons, actual travel times for the build alternatives can be longer than the No-Project times. In one case (Milpitas to Pacific Commons) for example, transit is not competitive with auto travel, due to the need to transfer and the absence of traffic congestion between this specific origin and destination.

However, longer travel times do not necessarily indicate that the Proposed Project is not competitive with other alternatives. For instance, for the Union City to downtown San Jose trip, the travel time for the Proposed Project would increase compared to the No-Project Alternative. Under the No-Project Alternative, the traveler would use the relatively infrequent Capitol Corridor service to travel to Diridon Station in San Jose and transfer to bus for the trip to downtown San Jose. With the Proposed Project, the traveler would use BART service to travel to Warm Springs and transfer to a bus for the trip to downtown San Jose. The BART and bus service would be a few minutes longer than the No-Project Alternative, but it would be more frequent, providing an advantage for travelers to use the Proposed Project.

The travel time calculations also do not factor in trip reliability. Highway travel times, for example, can vary greatly depending on weather, special events, accidents, and traffic volumes. Rail systems with exclusive rights-of-way can enhance transit reliability. The travel time comparisons do not reflect this increased reliability. For many transit patrons, the greater reliability more than offsets the longer travel time.

In response to TRANSDEF’s scoping comment, BART considered and rejected a chauffeur-driven limousine alternative (see DSEIR page 5-13).

16-1b BART disagrees with the assertion that the only serious justification for the Proposed Project is linking to the SVRTC project (see the response to comment 16-1). The Warm Springs Extension project was originally adopted in 1992 and has always been considered a stand-alone project. Typically, transit systems are built incrementally rather than all at once. The individual segments are constructed as planning and funding allow. For example, the core of the BART system was completed in 1977. The original Warm Springs Extension was adopted in 1992, and planning on the extension continued for several years following the 1992 adoption. The Proposed Project is a continuation of those previous efforts.

As explained above, the analyses in the DSEIR, except those specifically identified as “cumulative impacts,” demonstrate the stand-alone benefits of the project. Except under the heading of cumulative impacts, the DSEIR’s “great volumes of detail” (as acknowledged by the commenter) do not concern the SVRTC project.

The comment cites references in the DSEIR to the South Bay. Fremont is an important part of the southern Alameda County-northern Santa Clara County transportation corridor. Transportation constraints in this area are well documented, and transit programs must be designed with the regional context in mind, even if the current project is not regional in scope. The BART Strategic Plan states that BART will work to close gaps in regional rail services between major populations and employment centers and/or corridors (Transit Travel Demand, Goal 4). Among the benefits of the Proposed Project, a BART extension from the Fremont Station to the railroad right-of-way, would provide the opportunity to close the rail gap in an important transportation corridor. Although the Proposed Project has stand-alone benefits, it also offers the opportunity to make additional regional contributions to improved public transportation. In accordance with CEQA, the DSEIR considered that additional potential benefit as well as cumulative adverse environmental impacts related to other reasonably anticipated regional projects. The fact that a potential connection to the SVRTC project, if it is adopted, is considered to be included among the benefits of the Proposed Project does not deprive the Proposed Project of utility on its own.

The statement on pages 1-14 and 1-15 of the DSEIR that the "Proposed Project will complement and expand existing travel modes in the regional Fremont-South Bay Corridor" refers to currently existing automobile and transit travel modes. The latter include existing bus services described in the DSEIR and existing BART service to the Fremont Station, not the proposed SVRTC project.

The statement on page 4-4 of the DSEIR, regarding the potential for an integrated system between BART, AC Transit, and VTA, refers to the cumulative growth-inducing impacts of the Proposed Project together with the SVRTC project, if it is adopted.

16-1c The commenter objects to the absence of existing significant transit destinations at the Warm Springs Station site and suggests that the Proposed Project has a doubtful rationale because it would provide "5 miles of rapid transit from a pasture to Fremont" and would only connect "vacant lots." It is true that the proposed Warm Springs Station site is currently undeveloped and not transit-oriented, as discussed in the DSEIR. However, the station site is subject to a Specific Plan process now being conducted by the City of Fremont. The outcome of this Specific Plan process is expected to redesignate land uses in the plan area to emphasize transit-oriented land uses. While specific land use designations in the station areas are not yet in place, the planning process for these areas is currently underway as discussed in the DSEIR. See also the response to comment 16-1c. As shown in the DSEIR (Figure 3.5-5, page 3.5-10), there are a number of undeveloped or underdeveloped parcels in the station area. The 34-acre station site is vacant as is an adjacent 36-acre parcel. Altogether, over 200 acres in the proposed Specific Plan study area are vacant or underutilized. This relative lack of development provides the opportunities to develop large-scale transit-oriented development projects around the station site. These opportunities are benefits of the Proposed Project that would be realized independent of the SVRTC project.

BART disagrees with the suggestion that, to justify the Proposed Project, transit destinations must already exist at the proposed station sites, leaving opportunities for transit-oriented development only as infill projects where land use density is already high. Other transit systems have a record of locating stations in vacant sites, creating transit-supportive land use policies, and building transit-oriented development that ultimately boosts ridership. The Portland Westside MAX project is a notable example of this approach.[8]

---

[8] G. B. Arrington, Jr. "At work in the Field of Dreams: light rail and smart growth in Portland." September. 1998.

The City of Fremont is proceeding with a Warm Springs BART Area Specific Plan. The City Council authorized staff to begin preparation of a Specific Plan and a consultant team has been retained to prepare the analysis. BART has coordinated with the city to develop the Specific Plan scope of work, which is currently scheduled to be approved the Fremont City Council on June 24, 2003. The purpose of the Specific Plan is to analyze development constraints; identify development opportunities; and provide land use criteria, development densities, and design guidelines for the coordinated development of the station area, in order to support transit-oriented development and access to the BART system. See also the response to comment 4-4.

16-1d Experience at other station sites shows that BART stations do serve as a center for transit-oriented development. Therefore, it is not speculative to identify land use benefits of the Proposed Project. Examples of successful station area transit-oriented development are evident at Walnut Creek, Pleasant Hill, Hayward, and Fruitvale. In addition, transit-oriented development projects are under development at Union City and Ashby.

BART agrees that high-density development should be the goal for the areas surrounding BART stations. As discussed in the DSEIR on page 3.5-34, it is BART's policy to encourage infill and transit-oriented development surrounding new BART station locations, including the proposed Warm Springs and optional Irvington Stations, which increases ridership and is compatible with local development plans. As noted in the DSEIR on page 3.5-34, the City of Fremont, with BART's support, is proceeding with a transit-oriented Specific Plan for the Warm Springs BART Station area. BART does not believe that this effort is speculative. The purpose of the Specific Plan is to analyze land use and development opportunities, site constraints, access, and potential transit ridership, and to provide development criteria (such as land use densities, zoning, and design guidelines) for the coordinated development of the station area. The City Council authorized city staff to begin preparation of a Warm Springs BART Area Specific Plan and designated $350,000 in funds and staff time for the study effort. A consultant team has been selected to prepare the analysis, and the city staff (with advice and assistance from BART) has developed the Specific Plan scope of work, which is currently scheduled for approval by the Fremont City Council on June 24, 2003. In addition, the City of Fremont has developed the Draft Irvington Concept Plan, which is in final draft form and is expected to be acted on by the City Council in the near term.

Adoption of future land use plans and projects, including the possible adoption of minimum density zoning, must be developed through the City of Fremont's planning process and subject to environmental review. Consistent with BART policies, BART intends to continue working with the City of Fremont to encourage successful transit-oriented development.

Table 3.1-1 of the DSEIR lists recently approved and proposed developments in the City of Fremont for purposes of analyzing cumulative impacts. The comment is correct that the list is largely comprised of auto-oriented projects. However, some of the projects on the list are not in a transit corridor and cannot be expected to have a transit orientation, and no projects have been approved in the immediate vicinity of either the proposed Warm Springs Station or optional Irvington Station that would compromise transit-oriented development at the station sites. The approved project closest to the Warm Springs site is the Skyway Court project, which is adjacent to the alignment approximately 0.3 mile from the station site. The Wal-

Mart project is 0.5 mile from the Warm Springs station site and is on the periphery of what is considered a reasonable distance for transit-oriented development. As noted in the response to comment 16-1c above, altogether over 200 acres in the proposed Warm Springs BART Area Specific Plan study area are vacant or underutilized. This relative lack of development provides opportunities to develop large-scale transit-oriented development projects around the station site.

BART also notes that additional redevelopment and land use intensification that is anticipated by the City of Fremont but is not yet included in the Alameda County Congestion Management Agency's model was not included in the DSEIR transportation model. See the response to comment 6-2. As a result, the reduction in vehicle miles traveled and resulting congestion relief, air quality, and energy benefits discussed in the DSEIR represent anticipated benefits of the Proposed Project *without* additional transit-oriented development in the vicinity of the stations. Accordingly it is not necessary to require the implementation of such projects before the benefits identified in the DSEIR can be realized by construction of the Proposed Project.

16-1e The Proposed Project is a 5.4-mile extension of the BART system from the Fremont Station to a proposed station at Warm Springs, with an optional station at Fremont. Transit-oriented development is not part of the Proposed Project in itself. The DSEIR addresses transit-oriented development because BART has adopted policies encouraging transit-oriented development and because providing opportunities for such development is among the benefits of the Proposed Project. As noted above, while BART supports promoting transit-oriented development surrounding new BART station locations, the Proposed Project does not include the development of residential or other land uses surrounding the station sites, and such development was not incorporated into the DSEIR transportation model. Future proposed development in the proposed station areas will be subject to separate environmental review by the City of Fremont. The city has allocated funds for the Specific Plan and selected a consultant, and the City Council is scheduled to act on the Specific Plan scope of work on June 24. BART intends to continue working with the city to encourage successful transit-oriented development.

A comparison between the demographics of the city and the county is a typical comparison for an EIR-level analysis, and the DSEIR relied on accepted population data from ABAG for these numbers. Demographic data for the area (including residents and employees within the 0.5- and 0.25-mile radii from the station) will be developed as part of the Specific Plan process. As stated above, the Proposed Project does not include transit-oriented development, and the mode share of people accessing the station in 2025 as presented in the DSEIR does not reflect new plans for future transit-oriented development. Therefore, station access modes reflect current transportation patterns more than potential future access patterns with transit-oriented development.

16-1f The Proposed Project is a stand-alone project. See the responses to comments 16-1, 16-1b, and 16-1c. The fact that the Proposed Project and the SVRTC project are being undertaken by different agencies is one factor, but not a determining factor, demonstrating the independence of the projects.

16-2 BART disagrees with the assertion that the Proposed Project is not consistent with the various plans and policies cited. As discussed on pages 3.5-33 to 3.5-35 and Section 5.7 of the DSEIR, the Proposed Project is consistent with the principal plans and policies related to it.

The Proposed Project would increase transit ridership. The Proposed Project in 2025 (with the optional Irvington Station) would increase total new transit trips by 9,100, and new BART trips systemwide by 10,800. Although the cost-per-new-rider calculations for FTA New Starts projects is not required for the Proposed Project, which is not a New Starts project, the cost per new rider for the Proposed Project is estimated to be $26 to $29 in 2025 based on FTA New Starts criteria. This range is generally comparable to the cost per new rider for the BART San Francisco Airport Extension project.

BART interprets its Strategic Plan Objectives and System Expansion Policy and Criteria to apply to rail extensions under a variety of scenarios, and not to restrict construction of extensions only to existing transit destinations and densely developed areas. Opportunities for transit-oriented development policies, plans, and projects must also be considered. See the responses to comments 16-1 and 16-1a through 16-1f. BART has actively sought to preserve opportunities for transit-oriented development in the vicinity of its Warm Springs Station site.

The City of Fremont recently approved a conditional use permit for a Wal-Mart store on a vacant site approximately 0.5 mile north of the proposed Warm Springs BART Station. As shown in the DSEIR (see Figure 3.5-5, page 3.5-10), there are a number of undeveloped or underdeveloped parcels in the station area. The 34-acre station site is vacant as is an adjacent 36-acre parcel. Altogether, over 200 acres in the proposed Specific Plan study area are vacant or underutilized. This relative lack of development provides the opportunity to develop large-scale transit-oriented development projects around the station site.

16-3 The possible adoption of minimum density zoning will be analyzed through the City of Fremont's planning process and will be subject to environmental review. Consistent with BART policies, BART intends to continue working closely with the City of Fremont to encourage successful transit-oriented development. Identification of zoning standards for the Warm Springs Station area will be part of the Warm Springs Specific Plan. The City of Fremont will prepare an environmental document as part of its Specific Plan process and will include an analysis of proposed zoning and land uses changes within the Specific Plan area. Evaluation of BART's Proposed Project is independent of the city's Specific Plan process. As noted above, redevelopment and land use intensification that is anticipated by the City of Fremont but not yet included in the Alameda County Congestion Management Agency's model was not included in the DSEIR transportation model. See the response to comment 6-2. As a result, the benefits of the Proposed Project identified in the SEIR are *without* any benefits from rezoning. Accordingly rezoning is not necessary before project benefits identified in the SEIR can be realized by construction of the Proposed Project, and it would not be necessary to recirculate the document to account for zoning changes.

By placing the Proposed Project on the list for project funding, Alameda County determined that the Warm Springs Extension fits the criteria for Measure B funds, and that it is consistent with the appropriate policies.

16-4 The commenter's request for a subsequent EIR is premature. Even if new information triggering the requirement for a subsequent EIR became available, no such document would be appropriate until after the FSEIR is certified by the BART Board. Moreover, the possibility that the public may adopt any form of High-Speed Rail project in 2004 is highly uncertain. To date, the environmental documentation on High-Speed Rail has not been publicly released, and any discussion of its potential interaction with BART is wholly speculative. Notwithstanding an MTC committee's recommendation to consider the issue, the possibility that the High-Speed Rail Authority may reopen its EIR to add an Altamont Pass alternative, which the commenter states is not currently included in the EIR, is still more speculative. Accordingly, a High-Speed Rail alternative that would interact with the Proposed Project is far too speculative and remote to be considered a "probable future project" for purposes of cumulative impact analysis in the DSEIR.

Even if an Altamont Pass High-Speed Rail line ultimately were adopted, High-Speed Rail and BART would be complementary rail services, not competitive rail services. The California High-Speed Rail proposal is a long distance inter-city rail system, offering express rail service between cities. BART is an intra-regional rail system offering stops every few miles and providing commuter service for residents and employees in its four-county service area. If High-Speed Rail emulated BART's service, it would lose the advantages that make it attractive (few stops and high speed). High-Speed Rail also can operate in the same corridor as urban/heavy rail, such as BART, so that extension of the BART system does not necessarily preclude opportunities for High-Speed Rail.

16-5 Urban sprawl is defined as suburban and exurban land development at relatively low densities that is also auto-dependent. As discussed in Chapter 4 (*Growth-Inducing Impacts*) of the DSEIR, the Proposed Project is intended to accommodate planned growth and to help redistribute regional population growth in a more compact manner characteristic of "smart growth." Generally, extension of rail transit systems such as BART into communities has the effect of concentrating growth and producing more compact development, creating less urban sprawl than would be the case if all development were auto-oriented. BART agrees that transit-oriented development has the potential to reduce sprawl in outlying areas of the Bay Area. As a transit agency, BART is committed to development at densities high enough to sustain transit, and BART is specifically committed to transit-oriented development. As discussed in previous responses, BART is coordinating with the City of Fremont to facilitate a Specific Plan process to provide for a combination of land uses in high enough densities to provide for transit-oriented development at the Warm Springs Station site.

Letter 17

Chevron

Chevron Pipe Line Company
Los Medanos Team
2360 Buchanan Road
Pittsburg, CA 94565
Fax (925) 753-2030

RECEIVED
APR 29 2003
[illegible]
TRANSIT SYSTEM DEVELOPMENT

April 28, 2003

Mr. Richard Wenzel, WSX Environmental Project Director
San Francisco Bay Area Rapid Transit District
P. O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT; DATED MARCH 2003
BART WARM SPRINGS EXTENSION (WSX)
CHEVRON'S BAPL PIPELINE, M.P.s 90.2 – 91.4; R/W 33101

Dear Mr. Wenzel:

Chevron received your **Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension (WSX) dated March 2003.** Chevron Pipe Line Company offers the following comments to the DSEIR.

Upon our review of the DSEIR it has come to our attention that at several locations within the text of the DSEIR there is a "general" reference to **fuel pipelines** within the project area, specifically as follows:

1. Table ES-2. Hazards and Hazardous Materials. Page 2 of 40 – states: Prior to construction near the underground fuel pipelines, the exact location of lines should be accurately established....
2. Chapter 2 – 2.7.2 Coordination with Utility Providers. Page 2-54 – states: BART is currently working with utility providers to identify the location of those utilities in the proposed Project corridor.....
3. Section 3.1.3 Issues Not Further Analyzed in this Supplemental EIR – Hazardous Materials. Page 3.1-3 – states: The 1992 EIR concluded that employees and passengers could be exposed to hazardous materials in the event of an accident involving fuel pipelines along the alignment.....
4. Section 3.1.3 – Utilities. Page 3.1-4 – states: The 1992 EIR concluded that the following potential impacts related to utilities and public services could occur with implementation of the Adopted Project. Potential disruptions of utilities, electrical transmission lines, pipelines, and fiber optics cables.....
5. Section 3.2.4 Impact Assessment and Mitigation Measures – Construction Related Impacts. Page 3.2-15 – states: Prior to construction near the underground fuel pipelines , the exact location of lines should be accurately established. Potential hazards associated with rupture of the pipelines or discovery of hazardous materials releases from the pipelines should be included in the site health and safety plan.

The text of the SDEIR does not include any direct references to Chevron's active 8-inch petroleum products pipeline within the project area.

Mr. Wenzel, to the best of my knowledge, Chevron Pipe Line Company was never afforded the opportunity of reviewing and submitting comments on the 1992 EIR for this project. Would it be possible for your agency to forward a copy of the 1992 EIR to my attention for Chevron's information and reference. The EIR can be mailed to Mr. Larry Whitehead at the letterhead address. We appreciate the opportunity of reviewing the 1992 EIR. Thanks. 17-1

We would like to give you a little background on our pipeline and some of the safety requirements, guidelines and restrictions we require before allowing any work near our pipeline. Chevron operates one (1) active pipeline in the vicinity of the Union Pacific Railroad corridor. This 8-inch buried steel pipeline is located within Grimmer Blvd., paralleling Grimmer then enters the property of the Union pacific Railroad, turning south paralleling the railroad property along the eastern boundary of the railroad corridor, continuing within the UPRR corridor for approximately 10 miles. This buried pipeline transports refined petroleum products such as gasoline, diesel and jet fuel. Extreme caution should be used when excavating, drilling, or grading around this pipeline.

Enclosed herewith are two (2) copies each of our pipeline drawings PL-A 10957 sheets 35 & 36 indicating the approximate location of the pipeline within the UPRR railroad corridor. The drawings show the **approximate** location of Chevron Pipe Line Company's high pressure pipeline. Chevron assumes no responsibility for the accuracy of these drawings and it should be used only for the general location of our facilities. Actual depths and alignment could only be determined by field checking and potholing the pipeline. Chevron will provide a Facility Inspector to mark and help locate our pipeline. Your Agency would be responsible to provide a backhoe and operator and a surveyor if needed.

We consider your request as very preliminary fact finding. Chevron will require several weeks of lead time to provide any detailed information regarding facilities and right-of-way information. A request for more specific information should be requested through Larry Whitehead (Chevron Right of Way Specialist) at (925) 753-2003, mailing address 2360 Buchanan Rd., Pittsburg, Ca. 94565.

Our pipelines are operated and maintained under Federal Regulations (D.O.T. 195) and State Regulations (California Pipeline Safety Act).
Chevron, Federal, and State regulations require 12-inches (minimum) clearance between petroleum pipeline and other crosslines that intersect at a 90° angle (perpendicular to each other).
If the intersection angle is less than 90°, the minimum clearance between the two pipelines must be 24-inches or greater.

Chevron recommends that the potholing of the Chevron pipeline be done before development plans are completed so conflicts between any future development of the BART Warm Springs Extension (WSX) and our pipeline can be avoided, or mitigated. Chevron requires that arrangements for potholing of its pipeline be made **at least** forty-eight (48) hours in advance with Mr. Larry Whitehead at (925) 753-2003. Chevron will provide a Facility Inspector to locate the pipeline and assist with the potholing.

Regarding restrictions on development over our pipelines, as previously mentioned, our pipelines and easements are operated and maintained under Federal Regulations (D.O.T. 195) and California Pipeline Safety Act (CAPSA). CAPSA Section 51014.6 provides that the pipeline and easement must be maintained clear of obstructions so that aerial observation can be conducted. Inspection of the pipeline rights-of-way are required by Federal law D.O.T (CFR 195.412), and is extremely important in maintaining safe pipeline operations. That is why Article 51014.6 (a) of CAPSA specifies that no person, other than the pipeline operator, shall (1) build, erect or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof. (2) Build, erect or create a structure, fence, wall, or obstruction adjacent to any pipeline easement which would prevent complete and unimpaired surface access to the easement, or permit the building, erection, or creation thereof. Section 51014.6 (b) recites that no shrubbery or shielding shall be installed on the pipeline easement which would impair aerial observation of the pipeline easement.

In order to comply with the above stated regulations it is imperative that Chevron has the opportunity of reviewing and evaluating all development and construction plans that involve proposed right-of-way encroachments. **In addition, any proposed modification to the existing grade over the pipelines including the addition or elimination of soil by cut or fill will need to have prior approval of Chevron.** All excavations within 24-inches of Chevron's facilities must be done by hand tools only.

All work that would affect our pipelines needs to be coordinated with our office at 2360 Buchanan Rd., Pittsburg, Ca. 94565.

Notify Underground Service Alert (USA) at 800-227-2600 **at least** 48 hours prior to any excavation work. If you have any questions or need additional information, please contact me at (925) 753-2003. Thank you for the advance notice on this project, we look forward to working with you.

Respectfully,

LARRY WHITEHEAD
RIGHT OF WAY SPECIALIST

WLW/wlw
Enclosures

Cc: C.A. Wages
Eric Lind

File: BART WarmSprs SEIR412.doc

Response to Comment Letter 17 (Chevron Pipeline Company)

17-1 BART is aware of the 8-inch pipeline currently operated and maintained by Chevron in the railroad corridor. The 1992 EIR describes the presence and general location of the 8-inch pipeline on page 3.10-4 of the 1992 Final EIR. (A copy of the 1992 EIR was sent to the commenter as requested.) Comments and input regarding the Proposed Project's likely interfaces with the Chevron petroleum pipeline are appreciated, and BART will carefully coordinate all project interfaces with Chevron.

Hotline Comment--Tuesday May 6, 2003--8:55 am from (510) 656-5341

I have a concern about the eastern Union Pacific Railroad tracks, which will be used as the primary tracks for the movement of BART as well as other through railroad lines. It would be better if both the eastern and western Union Pacific Railroad tracks were moved to the center along with BART so it would not have an effect the quality of life for residents in the Los Positas and vicinity. 18-1

Moving both closer to one side of the open space would make it difficult on all the residents living there. It would be much better if they were kept in the center, and that's where the overpass as well as the underpass were located. 18-2

Response to Comment Letter 18 (Hotline Comment)

18-1 See the response to comment 15-1.

18-2 See the response to comment 15-1.

Comments from Charlie Cameron, Received 4/28/03

1 Please remove the sign at the Fremont BART Station directing overflow parking to the South Hayward BART Station. Why does Hayward have to handle this overflow?

2 What will the temperature be at the Warm Springs Station? What pests will be in the station at night during the different seasons (bugs, flies, mosquitoes, dirt moles, cats)? Addressed in 1992 EIR but not in 2003 SEIR.

3 What dates was the DSEIR available to the public?

4 Comment expresses the hope that the design of the station(s) will be better than that of the Hayward Station.

5 Comment expresses concern that passengers will have to get off BART at the Fremont Station to get a seat on VTA buses in the p.m. commute to San Jose rather than getting off at the Warm Springs Station and risk not getting a seat on VTA.

6 Comment expresses concern that the proximity of new stations to shopping centers could cause problems with people leaving shopping carts on bus islands or in the station area.

7 Comment asks whether fare zones are going to be base or basic and whether the station(s) will have charts indicating time to get between stations or miles between stations.

8 Comment expresses hope that the design for the bus bays at the Warm Springs BART Station will have the proper islands and/or saw-tooth design. (Comment references pp. 5.2–5-4 of the DKS Transportation Technical Report.)

9 Comment expresses hope that the BART security vehicles will not park and block the bus bays at the Warm Springs Station. (Comment references pp. 5-3–5-4 of the DKS Transportation Technical Report.)

10 Comment expresses hope that the design for the bus bays at the optional Irvington Station will be appropriate and will not have tight pinch pints in the islands and curves. (Comment references p. 6-3 of the DKS Transportation Technical Report.)

11 Comment refers to pp. 2-10, 9-4, 12-6, 13-7, 14-7, 15-7, and 16-2 of the DKS technical report. All comments on these pages state that AC Transit route 253 does not currently run in the area referenced in the tech report and that the bus route is scheduled to be cut soon. Also, comment on p. 17-1 of the DKS technical report expresses concern over the temporary removal of 200 parking spaces from the Fremont Station lot and asks where those displaced patrons would park.

12 Comment mentions the current and correct routing of AC Transit 253.

13 Comment notes that BART incorrectly stated that AC Transit serves the area of the April 14, 2003 public hearing.

14 Comment refers to AC Transit Ridership Schedule cited in section 3.9. Comment notes that Route 253 is proposed to be eliminated because of low ridership and that this will affect all ridership figures in the DSEIR and will add to vehicle

congestion at the points mentioned above in Comment 11 as well as at other affected intersections in Fremont.

15 Comment refers to Section 2.45 on p. 2-9 of the DKS technical report. Comment appears to be agreeing with idea of third pair of BART lines operating from Fremont to SF (24th Street). Suggests that BART put out information regarding this line to the general public.

Response to Comment Letter 19 (Charlie Cameron)

19-1 This comment refers to the existing signage at the Fremont BART Station and does not apply to the DSEIR or the Proposed Project. No response is required.

19-2 The issues of local temperatures and pests in the BART stations at night were not addressed in the DSEIR. However, the temperature in Fremont, for the foreseeable future, is expected to be similar to what was stated in the 1992 EIR; the mean annual temperature is 57 degrees Fahrenheit, with a maximum annual temperature of 68 degrees and a minimum annual temperature of 47 degrees. No significant pest issues are expected at the proposed stations, either in terms of species or numbers.

19-3 Public notice of availability of the DSEIR was published in five newspapers with general circulation on March 25, 2003.

19-4 Comment noted.

19-5 With the Proposed Project in operation, VTA would operate its buses from the new Warm Springs Station rather than Fremont Station. Getting off BART a station before Warm Springs in order to get a seat on a VTA bus would not be possible because VTA would no longer be operating from the Fremont Station.

19-6 BART does not anticipate that abandoned shopping carts would be an issue at the new stations. However, BART has established maintenance standards to deal with them if they become a problem.

19-7 BART will continue its current fare policy, unless the BART Board of Directors institutes fare policy changes. The new station(s) would have train schedules showing timed stops at destinations, similar to existing time/destination charts. Typically, BART destinations are not given in miles.

19-8 Conceptual plans for the proposed stations currently have the bus islands with a saw tooth design.

19-9 At both the Warm Springs and the optional Irvington Stations, the interaction of BART security vehicles with buses and private autos would be deliberately kept to a minimum. However, some minor degree of mixing is inevitable, just as it is on the public street system.

19-10 The optional Irvington Station has been expressly designed with buses in mind, and BART has worked with bus service operators to provide appropriate facilities.

19-11 The AC Transit 253 Route currently runs from Fremont BART to the ACE Train Station. Communications with AC Transit indicate that due to low ridership, AC Transit is considering eliminating Route 253.[9] AC Transit has other routes near the Route 253 alignment that will continue to serve patrons. Elimination of the AC Transit Route 253 would not affect any of the conclusions in the DSEIR. As noted in the comment, 200 parking spaces would be temporarily displaced from the Fremont BART Station parking lot during construction. Off-site replacement spaces during construction would be considered as part of the construction traffic management plan, Mitigation Measure TRN25.

---

[9] Nathan Landau, AC Transit, e-mail communication, May 29, 2003.

19-12 Comment refers to the current routing and schedule of AC Transit 253. No response is necessary.

19-13 AC Transit does serve the area around Parkmont Elementary School, the location of the April 14, 2003 public hearing on the DSEIR. The public notice for the public hearing stated that the AC Transit Route 219 operates within walking distance of the school, and people should use the Paseo Padre Parkway and Country Drive bus stop. In addition to Route 219, AC Transit Routes 215 and 253 operate in the vicinity of the school.

19-14 As noted above, AC Transit is considering eliminating Route 253 due to poor ridership. AC Transit expects that other AC Transit bus routes in the vicinity will accommodate patrons currently riding Route 253. The elimination of Route 253 would not affect any of the analysis in the DSEIR.

19-15 The comment refers to the proposed BART operating plan to have two Fremont BART lines operating on a daily basis (one to Richmond, one to San Francisco's 24th Street Station) and a third line operating from Fremont to 24th Street during a.m. and p.m. peak periods only. The commenter supports this plan. BART will provide information to the public regarding service changes.

Letter 20

RECEIVED
MAY 09 2003
STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

To:
San Francisco Bay Area Rapid Transit District
Attention: Richard C. Wenzel, P.E.
WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

2003 May 08

Comments on BART to Warm Springs, Fremont Extension.

1. First, thank you for the report package in it computer-searchable .PDF form.
You should publish an address for e-mailed public comments, too. 20-1

2. Additionally, the maps composed of aerial photographs with outlines of BART structures superimposed are excellent in understanding how this project is situated. 20-2

3. This report correctly analyzes that bus and surface transit would get stuck in traffic and offer at best haphazard service. 20-3

4. The analysis of Fremont's land use and planning which reserves the proposed corridor for BART, and facilitates transit oriented development at Irvington and Warm Springs is correct. 20-4

5. The location of the Warm Springs station sandwiched between I-680 and I-880 makes it ideal to attract people out of cars. The analysis needs to show that freeway exits facilitate easy access to the BART station. 20-5

6. The report understates the demand for this project, because programmed road improvements are behind schedule or possibly may not be built at all.

The programmed highway improvements to I-880 and its interchanges in Fremont and Milpitas projects are behind schedule so the report may understate the demand for alternatives to driving I-880. 20-6

For example:

* SR-84 (Fremont Expressway) and SR-238 (Hayward Freeway) have been endlessly delayed, and the Hayward bypass freeway is mostly downgraded to surface streets.

7. BART has proven to be an attractive alternative to driving; it enjoys much more rider support than bus service. I think the report understates this preference of choice riders. 20-7

8. The plan for restoring Lake Elizabeth to after construction of the tunnel is excellent. 20-8

9. All the bus alternatives would impose an additional transfers. 20-9

The review of this project should, in addition, consider:

1. The current Fremont station has standard rail in proximity at Shinn Avenue in Fremont. The report wrongly states that there in no conventional rail in vicinity of the Fremont BART station.

The project scope should be amended to include an option of enhanced ACE service and a transfer station at Shinn Ave in Fremont between ACE and BART, and include ridership in the Golder Triangle region of Santa Clara. This comparison should show how much service could be provided at the cost of the favoured alternative. 20-10

2. An operating plan for a one seat ride to SFO

3. A operation plan so as to allow riders to get to SFO during all SFO's operating hours, including access to early morning and late evening flights. 20-11

4. Consider segregation of multiple modes of access traffic to stations, with the objective of maximizing speed. Consider avoiding conflicts between modes; failure in this aspect will affect demand for counterproductive traffic calming measures.
All modes must be accommodated: 20-12
* fast cars from Freeway to parking
* kiss and ride easy in-out access
* bus loop
* walking path
* bike path

I'm concerned that access from Mission Blvd may be congested.

The plan should show more details: 20-13
* Show car pool access at CA-262, I-880 and I-680
* Show easy kiss and ride access from CA-262

5. Should include details of provision for a two-way connection with the Altamont Commuter Express (shuttle busses) at Pacific Commons. 20-14

6. Need a contingency plan if the Warm Springs station is well utilized and demand exceeds capacity. Is there room for multi-level garage on site ? 20-15

7. Ridership projections should include possible demand due to connection with Dumbarton Express Rail at Union City. 20-16

8. Report states:

Commuter rail is defined as "long-haul rail passenger service operating between metropolitan and suburban areas, whether within or across the geographical boundaries of a state, usually characterized by reduced fares for multiple rides, and commutation tickets for 20-17 regular, recurring riders" (American Public Transportation Association 2002).

'BART operates long-haul rail passenger service within the metropolitan and suburban communities in the greater Bay Area. BART serves four Bay Area counties; San Francisco, Alameda, Contra Costa, and San Mateo. BART provides reduced fares on high-value ticket purchases. As such, BART fulfills the definition of commuter rail service. A commuter rail alternative in the project area is already being considered with the Proposed Project.'

BART's discount for multiple rides is negligible; should consider an operating plan where e,g, holders of reserved parking sports at BART get a more significant discount.

20-17
cont'd.

David W. Crawford
dc@omor.com

15466 Los Gatos Blvd.
Suite 109-222
Los Gatos, CA 95032

Response to Comment Letter 20 (David Crawford)

20-1 Comment noted.

20-2 Comment noted.

20-3 Comment noted. BART appreciates the commenter's concurrence with the analysis in the DSEIR as indicated in this and the following comments.

20-4 Comment noted.

20-5 The DSEIR reports Proposed Project-induced changes to intersection levels of service at freeway interchanges that would serve the Warm Springs Station. As indicated by the changes in freeway interchange and intersection levels of service shown in Table 3.9-16 on pages 3.9-52 and 3.9-53 of the DSEIR, the I-680/Washington Boulevard, I-680/Durham Road/Auto Mall Parkway, and Fremont Boulevard/I-880 interchanges would be used by BART patrons to access the Warm Springs Station and optional Irvington Station.

20-6 The transportation analysis was developed based on travel demand forecast model assumptions consistent with regional transportation planning being conducted by the Alameda County Congestion Management Agency (ACCMA) and the Metropolitan Transportation Commission (MTC). Programmed roadway improvements were included in the analysis, along with their current anticipated schedule for completion. Projects that are currently scheduled for completion prior to 2010 were included in the 2010 analysis scenarios, and projects scheduled for completion after 2010 were included in the 2025 analysis scenarios. Modifications to the roadway network assumed in the travel demand forecast model were made in consultation with ACCMA and the City of Fremont (see Appendix N, Section 2.3 "Network Changes").

Should programmed highway improvements not be constructed as planned prior to the opening of the Proposed Project, it is possible that increased freeway congestion would encourage a further shift of automobile trips to transit trips within the corridor.

20-7 Comment noted. The transportation analysis conducted for the Proposed Project does not account for the transportation user's preference for type of vehicle, rather it uses network theory to determine the quickest and most direct trip using the programmed network as a conservative assumption. The Proposed Project transportation analysis is based on the travel demand forecasting and traffic analyses methodologies described in Appendix N of the DSEIR. Based on that analysis, the Proposed Project is projected to attract more riders than the Proposed Bus Alternative, as shown in Tables 5-1 and 5-2 in Chapter 5 (*Alternatives Analysis*) of the DSEIR. Assuming patrons find riding BART attractive in preference to driving or bus service, the Proposed Project ridership would increase in comparison to the No-Project and proposed Bus Alternatives, beyond the projections of the conservative analysis in the DSEIR.

20-8 Comment noted.

20-9 The commenter suggests that any bus alternative implemented would impose additional transfers. BART agrees with this assessment.

20-10 The comment refers to the proximity of ACE rail service at Shinn Avenue in proximity to the Fremont BART station and suggests including an alternative of enhanced ACE service with a transfer between ACE and BART. Enhanced conventional rail service was among the alternatives considered but rejected in the DSEIR. See Section 5.3 (*Proposed Project Alternatives Considered but Rejected*) on page 5-12 of the DSEIR.

20-11 The operating plan for the Proposed Project is presented on page 2-41 of the DSEIR. The operating plan is based on anticipated ridership patterns that do not support a BART line directly from Fremont to San Francisco International Airport (SFO). Patrons from Fremont to SFO would transfer to an SFO-bound train at 24th Street Station.

20-12 Access for all modes of transportation to the proposed BART stations has been considered in the analysis. Conceptual station designs include access for automobiles, bus, pedestrian and bicycle, and kiss-and-ride drop off. Station concept designs are shown on Figure 2-6a for the Warm Springs Station and Figure 2-8a for the optional Irvington Station in Chapter 2 (*Project Description*) of the DSEIR. These station designs will be refined during preliminary and final design to maximize access for all modes accessing the stations.

20-13 Traffic congestion on Mission Boulevard was factored into the analysis and reported in the SEIR in terms of intersection service levels and roadway segment analysis. Programmed roadway improvements and their current anticipated completion schedules, including future carpool lanes on regional roadways, were included in the analysis.

Designs for access to the Warm Springs Station do not include the suggested development of carpool lanes from I-880 and I-680 to provide direct access from the freeway to that BART station. Project-induced changes to traffic level of service at the freeway interchanges that would provide access to the Warm Springs and optional Irvington Stations are reported in Section 3.9.5 of the DSEIR. Mitigation Measure TRN5 addresses intersection improvements needed to improve level of service at I-680 southbound ramps/Durham Road/Auto Mall Parkway interchange, thus improving access to the Warm Springs Station.

20-14 The transportation analysis assumes connections with shuttle buses serving major employment centers, as described on pages 3.9-21 and 5-22 of the DSEIR.

20-15 There is room for a multi-level parking garage at the Warm Springs Station site. This possibility will be analyzed as part of the Warm Springs BART Area Specific Plan process.

20-16 Only programmed transportation improvements and their current anticipated completion schedules were included in the transportation modeling analysis. The Dumbarton Express Rail project was not included in MTC's Regional Transportation Plan, and therefore was not included in ridership projections for this analysis. In addition, based on the *Union City BART Comprehensive Station Plan* and the *Union City Commuter Rail Opportunities Phase One Report*, ridership associated with the Dumbarton Express Rail project is expected to be focused at Union City.

20-17 Comment noted. BART recently instituted a program for reserved parking at BART stations where BART patrons pay a monthly fee for a parking space reserved until 10:00 a.m. It is not currently anticipated that the BART fare structure be changed to provide a discount for holders of reserved parking spots.

RECEIVED
APR 14 2003
STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

To: San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Project Director
PO Box 12688, MS 1KB-6
Oakland 94604-2688

From: Neil J. Edwards
39400 Albany Cmn #G
Fremont CA 94538
(510) 793-2341

Subject: Written Comments on Draft SEIR for BART WSX

Dear Mr. Wenzel,

Thank you for sending me the DSEIR. I have reviewed it and have some questions/comments. First, let me thank you in advance for your assistance and patience. My primary concerns involve noise and aesthetics. I will orient you as to my location. I am a homeowner that lives in the Fremont Villas condominium complex. My balcony and living room windows directly face the proposed route of the extension. My balcony and windows are approximately 45 feet from a wood fence that delineates the west edge of the BART property line. I am on the first floor, which is actually slightly elevated above ground level. If you refer to page 3.10-26 of the DSEIR, you can see my building. It is located in the upper left hand corner of the complex. I have attached a copy of page 3.10-26 with my building circled, for reference. There are three buildings designated as "project-induced noise impacts." My building is just left of the leftmost indicated building. It is not designated as one of the noise affected buildings, which leads me to my first comment.

1) Why is my building not indicated as one of the project-induced noise impacts? I definitely believe it should be. As stated above, I am a mere 45 feet from the perimeter fence. I was surprised to see the building just right of me (about 240 feet away from me) was indicated, while mine was not. Both buildings are very close to the perimeter. Also, at the location of the other buildings that *are* indicated, the trains (I believe) are projected to be either at or below grade. Page 3.7-23 states that the trains would be at their lowest when they are the closest to the residences. This would fit the description of the other buildings. One would assume that the trains would be quieter (relative to adjacent residences) when they are at or below grade. As far as my location, the trains are projected to still be on the embankment and more in a direct line of sight to adjacent residences. Page 3.7-14 clearly shows the train on an embankment. The location depicted on Page 3.7-14 (the parking lot of the Benton Development) is just left of my location and seems to be an accurate assessment of how it will look going by my building. Wouldn't it be just as loud, or louder, as it goes by me on an embankment, than it would be for the other buildings when it is at or below grade? Even if I was slightly farther away from the train that the other buildings? In closing, I believe my home is in an area that will be impacted by noise and will need mitigation. 21-1

2) The photo on page 3.7-14 brings me to my next comment. Clearly, no sound wall is depicted in this photo. I'm pretty sure a sound wall is going to be needed in this location and I am curious to know why a sound wall was not depicted in the photo. Sound walls are clearly an issue when dealing with visual impacts, as stated on page 23 of 40, so I would assume that a photo in the aesthetics portion of the report would show a sound wall. Was this an oversight or are we really not slated for a sound wall? Based on what I have read on page 3.10-32, I don't think my location is planned for a sound wall, while the other buildings are. Even if the train is going to be at or below grade as it goes by my location, I'm so close I just can't imagine not having a sound wall. 21-2

3) On the subject of aesthetics/visual impact. I strongly disagree with the finding on page 3.7-23 that there is no mitigation required for potential visual encroachment on adjacent residential uses. I'm not exactly sure what I am going to be able to see when I look out my window. Right now, I see trees and an empty field. To my right is the swimming pool and beach volleyball court for the entire complex. There are picnic tables and a barbecue pit. This is a very quite, serene area. This needs to be taken into account. I'm relatively certain (based on the photo on 3.7-14 and the project description on page 2-31) that the trains are still be going to be above grade, on the embankment, when it passes by my building. Therefore, there are going to be several residences of my building that are probably going to be able to see the trains, especially the top floor. I believe a row of trees placed along the extreme west edge of the BART property line could serve as a definite visual break. It could provide additional noise reduction. It could also help protect property values. When a potential buyer comes to look at a place in this building, the first thing they should not notice is a train going by about 100 feet away! Therefore, I think a simple step of placing trees could help solve this issue. 21-3

4) Would it possible to have a meeting, at Fremont Villas, with one of the persons very familiar with the project? We at Fremont Villas (especially my particular building) are at a strange location in the proposed alignment. Since it is transitioning from an embankment to at/below grade and then a subway tunnel, we are not 100% sure of what it will look and sound like when it goes by our location. Someone could come by and show us exactly where it is projected to be on an embankment and where it would be at grade. Right now, I can't go onto BART property and measure out 1000 feet from Walnut and then another 1000 feet to the projected location of the subway portal (taken from project description on page 2-31). At the very least, please have someone visit and confirm what I have detailed in my comments. 21-4

5) Another homeowner has a concern about the projected speeds through this location. The previous environmental impact report indicated that the maximum speed through here would be 50 miles per hour. The DSEIR now lists a maximum speed of 70 mph. I know that BART wants to get the maximum speed possible from its trains, because it is *rapid* transit. However, it seems odd that the speeds could possibly increase from 50 mph to 70 mph. Speed does seem to be an issue through here, because this part of the project would be exempt from the 80 mph maximum speed as stated on page 2-42. There is no reason given for the exemption. We are concerned about the radius of the curve through here causing additional noise the faster the train takes it. Also a related issue is whether they will be beeping their horns through this area and is that calculated in determining the passby noise. 21-5

6) Another homeowner, a resident of one of the buildings projected to have a noise impact, brought up the fact that the DSEIR only counts 4 residences for the 3 indicated buildings. There are more than 4 residences for each building. At some point will there be clarification on the specific unit numbers affected? 21-6

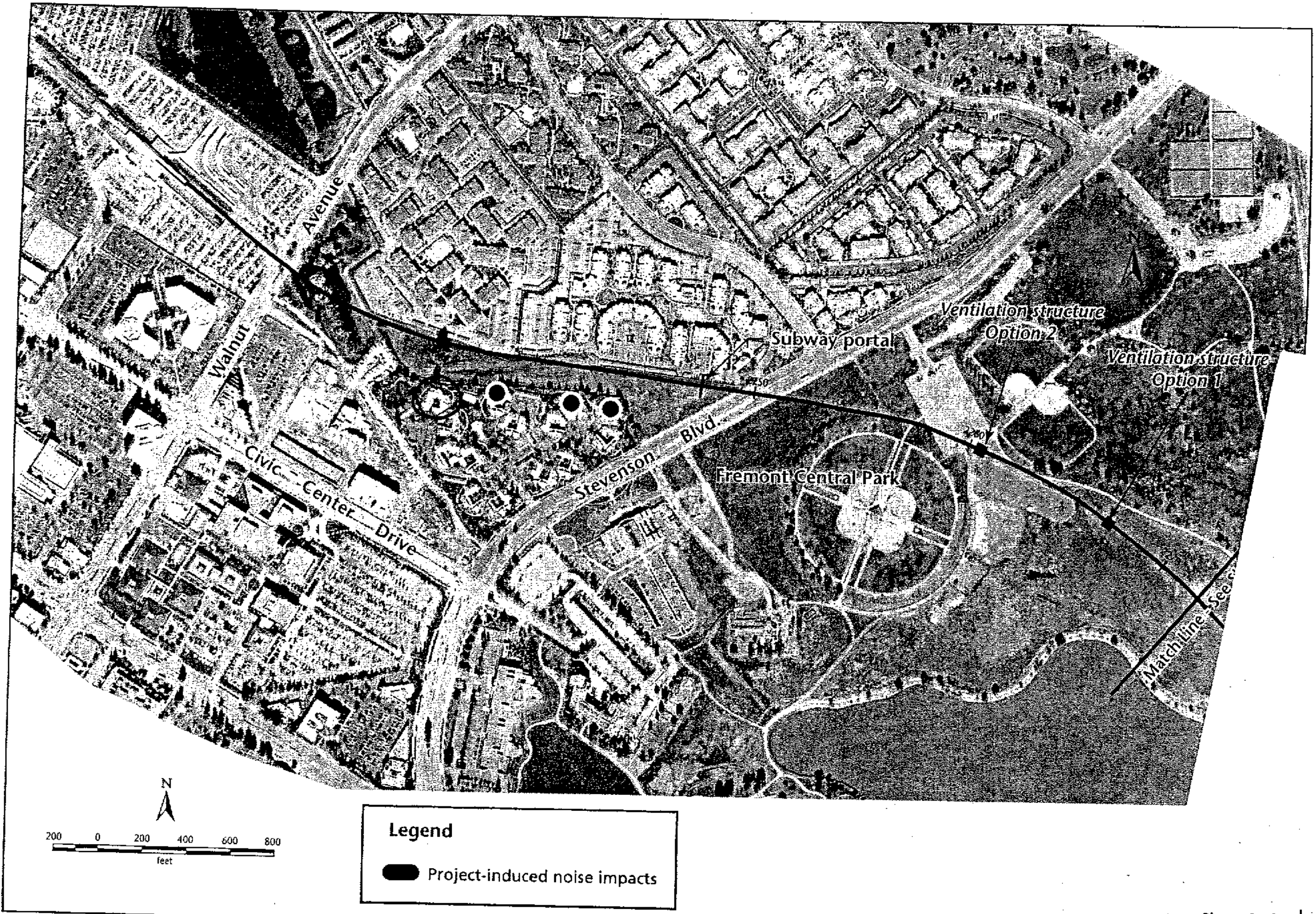
7) No current assessment was made of the existing noise conditions at Fremont Villas. Pages 3.10-6 through 3.10.8 show this. It was assessed during the 1992 report. We are one of the closest residential areas for the entire project and I am in one of the closest buildings and no current assessment was made. I don't want to sound dramatic here, but I feel like we're being left out. The report states on page 3.10-6 that "estimating existing noise exposure is an important step in the noise impact assessment because the thresholds used to assess the significance of cumulative noise impact are based on existing levels of noise exposure." Shouldn't existing noise levels be evaluated here? I think it is quieter here than the closest location evaluated, Red Hawk Ranch Apartments. If that is proven it to be true, it would mean we may have a greater cumulative noise impact. 21-7

In closing, I support BART because it is a very important resource for this area. However, I feel that due to my building's extreme close distance to the projected project we deserve more consideration that the report currently reflects. I eagerly await your response.

Sincerely,

Neil J. Edwards.

Page 4 of 4



02041.02 (2/03)

Source: Harris, Miller, Miller & Hanson 2002.

Sheet 1 of 5

Figure 3.10-6a
Project-Induced Noise Impacts

Response to Comment Letter 21 (Neil J. Edwards)

21-1 The Proposed Project alignment would be approximately 170 feet from the building referred to in the comment. The BART tracks would be approximately 100 feet from the Fremont Villas building immediately south of Mr. Edward's building and approximately 65 feet from the two subsequent buildings southward in Fremont Villas. The BART tracks would be located on the northern side of the right-of-way, which is farther from the residence referred to in the comment than from the other buildings in the complex. The elevation of the tracks near the referenced building would be approximately 6 feet above grade. At the next building to the south, the tracks would be at grade. Southward, adjacent to the two subsequent buildings, the tracks would be in a trench of increasing depth, which would provide some reduction of noise level. However, the trains would run at higher speeds adjacent to the two southernmost Fremont Villas buildings, and all three buildings would be closer to the tracks than the building in question, resulting in the noise impacts. Because the building referred to in the comment would be farther from the BART tracks than the three other Fremont Villas buildings adjacent to the BART right-of-way and the trains would run at slower speeds near the commenter's building, no significant noise impact is projected.

21-2 Figure 3.7-4 on page 3.7-14 of the DSEIR has been revised to show a simulation of how a noise barrier would look if placed on the BART embankment. The revised figure follows this page. Table 3.10-9 on page 3.10-32 of the DSEIR identifies the portion of the Proposed Project alignment adjacent to Fremont Villas as a potential location for noise barriers.

21-3 As noted in the description of Impact A2 on pages 3.7-22 and 3.7-23 of the DSEIR, the alignment section where trains would pass closest to adjacent residences is also where trains either would not be visible at all from ground level or would present the lowest visual image. At the location indicated on the map accompanying the commenter's letter, the top of the rail for the Proposed Project alignment would be approximately 8 feet above the existing ground level, and the BART tracks would be on an embankment approximately 140 feet from the residence. The Proposed Project alignment would transition to grade and then to subway at a point south of the Fremont Villas. By comparison, Viewpoint 2, on page 3.7-14 of the DSEIR, simulates the approximate view of the Proposed Project alignment and embankment in the general location of the Fremont Villas. However, at the location of Viewpoint 2, the tracks are higher (approximately 18 feet above the existing ground level) than at the residence, so that the visual effects of the Proposed Project at the residence would be substantially reduced compared to the simulation.

In addition, as described on page 3.7-22, the perimeter of the alignment is lined by existing fences, trees, and landscaping that are expected to block partial views of BART trains and the train corridor. The existing fences, trees, and landscaping at the commenter's location would not be affected by project construction. The commenter's suggestion that BART place a row of trees along the alignment where it passes existing residences is noted. However, the fact that visual impacts from this location are expected to be substantially reduced compared to the simulation in Viewpoint 2, combined with the presence of existing visual features, makes additional mitigation unnecessary at this location.

21-4 If the Proposed Project is approved, BART will have a community affairs team available to meet with residents on issues related to the project.

21-5 The alignment for the Proposed Project has been refined since the EIR for the original Warm Springs Extension project was certified in 1992, and the 2003 DSEIR provided updated estimates of BART train speeds. As stated on page 2-42 of Chapter 2 (*Project Description*), train speeds in the Fremont Station to Stevenson Boulevard segment of the alignment would be between 50 and 70 miles per hour (mph). The typical operating speed for BART trains is 70 mph. However, this portion of the alignment is quite constrained both horizontally and vertically, and ongoing alignment design work will reveal whether maximum train speeds could reach 70 mph or would have to be reduced to a lower speed.

The BART train horns would not be used in the Walnut Avenue to Stevenson Boulevard area, but the horns would be used by northbound trains between Walnut Avenue and the existing Fremont BART Station.

21-6 The noise analysis identified only those residences within the Fremont Villas buildings that would experience noise impacts from the Proposed Project. Not all residences within the three buildings would experience project-induced noise impacts (see page 3.10-22 of the DSEIR).

21-7 Existing noise levels were measured at two locations between Walnut Avenue and Stevenson Boulevard—the Red Hawk Ranch Apartments and the Presidio Apartments—during the noise analysis conducted for the DSEIR. Both locations are directly adjacent to the BART right-of-way from the Fremont Villas. Accordingly, the two noise measurements would accurately represent noise in the area, and the appropriate noise levels were used in assessing the noise impacts in this area (see pages 3.10-7 and 3.10-8 of the DSEIR). There are no unusual features or existing noise sources on the west side of the Proposed Project alignment that would cause noise levels to be different directly across the right-of-way or that would require additional ambient measurements to accurately identify the existing noise levels either east or west of the Proposed Project alignment in the segment between Walnut Avenue and Stevenson Boulevard. For this reason, it was reasonable to base the noise analysis on the two measured locations, and it was not necessary to do additional noise measurements in this area.

Letter 22

RECEIVED

MAY 09 2003

STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

BART WSX DSEIR comments:

Table ES-2, TRN5 through TRN18, Intersection LOS mitigations: These mitigations must not reduce bicyclist comfort through these intersections. Ideally, provide sufficient room for through cyclists to travel side by side with through motorists. All intersection modifications shall be reviewed by the Fremont Bicycle/Pedestrian Technical Advisory Committee. 22-1

Table ES-2, POP7 and TRN25, construction traffic impacts: Ensure that cyclist comfort is not reduced in construction areas. Provide sufficient and continuous room for cyclists to travel side by side with motorists on major streets. Provide smooth, clean, non-slip roadway surfaces to the extent possible. 22-2

Page 2-7, Table 2-1: The number of car parking spaces is listed, but not the number of bike parking spaces. 22-3

Page 2-21, Figure 2-6a, and Page 2-29, Figure 2-8a: Bike lockers should be closer to station entrance elevators. All elevators should be in pairs so that if one elevator is out of service, there's still another working elevator at the same location. Elevators should be centrally located, not out of the way is in some older BART stations. ADA-compliant ramps should be considered in addition to elevators where space allows. Restrooms shall be adequate for the passenger volume, unlike older BART stations where restrooms were an afterthought and are inadequate. 22-4

Page 2-30, Figure 2-8b: Irvington station needs elevators at all entrances. No elevators are shown for the kiss & ride area. 22-5

Pages 2-35 and 2-40: Striped bike lanes within the BART parking lot are unnecessary. These are not fast, high traffic arterials. Cyclists need not be restricted to the curb within a low-speed parking lot. The main parking lot roads should have sufficient lane width for cyclists and motorists to travel side by side. Poorly striped bike lanes leading toward the Warm Springs Blvd. exit would tend to discourage cyclists from making legal left turns. 22-6

Pages 2-36 and 2-40: The number of secure bike parking spaces is not mentioned. Secure bike parking should include long-term lockers, daily-use lockers, and/or a "bikestation". 22-7

Page 2-42: All new parking should be "market rate". Secure bike parking shall be significantly less expensive than car parking. 22-8

Pages 2-46 to 2-48, 2-51 to 2-52: Wide curb lanes or bike lanes shall be maintained during construction at Walnut, Stevenson, Paseo Padre, and Grimmer. Roadway surfaces will be smooth, clean, and non-slip. 22-9

Page 2-49: Metal plates on pedestrian bridges should be treated with a non-slip surface. Pedestrian access between Gomes Park and Central park shall be maintained during construction. 22-10

Page 3.5-4, Figure 3.5-2: The "Newark" label is shown within Fremont. 22-11

Page 3.7-17, Figure 3.7-7, Viewpoint 5: The truck should not be parked in the southbound bike lane. The northbound bike lane looks too narrow, especially near the speed limit sign. 22-12

Page 3.7-18, Figure 3.7-8, Viewpoint 6: The parking lot should be full in this midday scene. The pedestrians nearly outnumber the cars, which seems unlikely given the surrounding land use. The contrasting color crosswalks are a nice touch, though. I would have expected to see a left turn pocket leading into the station, and more traffic signal poles. The southbound bike lane looks kind of narrow. 22-13

Page 3.7-21 and several following pages: "motorists" should usually be "motorists and cyclists". 22-14

Page 3.7-33, Figure 3.7-10, Viewpoint 5: The southbound bike lane should be parallel to the travel lane, not parallel to the curb. I would have expected to see at least a few cars traveling on Osgood. 22-15

Page 3.9-15, Parking: All vehicle parking should be market rate. Spaces should always be available at all times of the day for anybody willing to pay the market-based fee. If lots are filled to capacity, then the fee is too low. Midday and weekend parking should probably be cheaper than weekday morning parking. 22-16

Page 3.9-16 "Signed bicycle lanes (15-foot travel lane)" should be "Signed bicycle ROUTES". These are also called Class III. Some of these are wider than 15 feet. The distinction between Class II Bike Lanes and Class III Bike Routes is not important. What matters is that all major streets AND ALL MAJOR INTERSECTIONS have sufficient width for cyclists and motorists to conveniently and comfortably travel side by side. The width should be smooth, clean, and continuous. Minor streets should be well-connected to provide cyclists with alternative routes. All traffic signals shall detect bicycles. The frontage roads are far inferior to sharable width on the main thoroughfare because of excessive stop signs and intersection conflicts. Those thoroughfares should be restriped to provide a wide curb lane or bike lane. 22-17

Pages 3.9-21 and 3.9-23, Bicycle Facilities: There should be secure bike parking (both daily and long-term). It should be close to the entrance elevators and/or it should be a "bikestation" in the concourse. Bike parking shall be significantly cheaper than vehicle parking. Bike lanes on the driveways are unnecessary. (This is a parking lot, not an arterial.) Wide curb lanes for the major driveways are sufficient if side by side travel is desired. 22-18

Pages 3.9-34 and 3.9-35, Tables 3.9-9 and 3.9-10: Walk/Bike should be separate columns. 22-19

Page 3.9-41, Bicycle impacts: Again, those are bike ROUTES. 22-20

Page 3.9-42, Intersection Operations: The impact on cyclists must be considered. Mitigations must not reduce cyclist convenience or comfort. Ideally, cyclist convenience and comfort should be increased. 22-21

Page 3.9-63, Table 3.9-18, Parking Demand: Where demand exceeds supply, the price is too low. 22-22

Page 3.9-66, Construction Impacts: A wide curb lane or bike lane should remain whenever lanes are closed or diverted. 22-23

Thank you for your consideration.

Michael Graff
4512 Richmond Ave
Fremont CA 94536

Response to Comment Letter 22 (Michael Graff)

22-1 Intersection mitigation measures are not anticipated to reduce bicyclist comfort because the mitigation measures do not propose to remove existing bicycle facilities or reduce bike lane widths at the affected intersections. BART will coordinate with the City of Fremont during the design and implementation of mitigation measures on City of Fremont roadways. Comments from the Fremont Bicycle/Pedestrian Technical Advisory Committee should be presented to the City of Fremont so that they can be included in the city's review of the proposed intersection improvements.

22-2 Cyclists travel needs will be considered in implementation of Mitigation Measure TRN25, which requires development and implementation of a construction-period construction phasing and traffic management plan. Cyclists' concerns will be addressed by providing construction schedule information, haul route designations, safe bicycle access, and circulation routes during construction at the Fremont BART Station, and public information programs.

22-3 The conceptual site plans for the proposed new BART stations (Figures 2-6a and 2-8a in Chapter 2 of the DSEIR) identify bicycle locker locations but not the exact number of bicycle parking spaces. As the project site plans are further developed, elements will be refined, including the number of bicycle parking spaces, location of bicycle parking, designation of bicycle access routes, and prices for use of bicycle lockers.

22-4 Comment noted. See the response to comment 22-3 concerning bicycle lockers at the Warm Springs and optional Irvington Stations. Stations will be designed to comply with applicable provisions of the Americans with Disabilities Act. Exact locations and numbers of access ramps, elevators, and restrooms will be determined during the preliminary and final phases of station design.

22-5 Although not clearly visible in Figure 2-8a and Figure 2-8b in Chapter 2 (*Project Description*) of the DSEIR, there are elevators planned for both kiss-and-ride areas at the optional Irvington Station.

22-6 Comment noted. See the response to comment 22-3 regarding bicycle access routes.

22-7 Comment noted. See the response to comment 22-3 regarding bicycle parking.

22-8 Comment noted. See the response to comment 22-3 regarding prices for use of bicycle lockers. The BART Board of Directors sets the parking policies for the BART system and has maintained a policy of free parking for the majority of parking spaces at BART stations. As noted in the response to comment 20-17, the Board has recently initiated a reserved parking program where patrons pay monthly fee to reserve a parking space until 10:00 a.m., after which time the parking space can be used by any patron.

22-9 See the response to comment 22-2.

22-10 Temporary pedestrian bridges constructed in Fremont Central Park will be designed for safe and convenient use by pedestrian and cyclists. Access to and within Central Park, including use of existing and temporary pedestrian connections from the east of the park to the golf course and Gomes Park will be provided as noted on page 3.5-34 of DSEIR. The choice of materials selected will be appropriate to address pedestrian and bicycle safety.

22-11 Comment noted. The Newark label in Figure 3.5-2 of the DSEIR should have been placed southwest of I-880. The revised Figure 3.5-2 is included in Section 3 of this FSEIR. The location of Newark is correctly identified on Figure 3.5-1 of the DSEIR.

22-12 Comments concerning the photo simulation of the City of Fremont's grade separations project are noted. Figure 3.7-7 of the DSEIR depicts the baseline condition after construction of the city's grade separation at Washington Boulevard. The photo simulation is provided to determine the visual impacts that would result from the addition of the Proposed Project in the vicinity of the optional Irvington Station, as depicted in Figure 3.7-10, and does not reflect City of Fremont decisions such as future parking restrictions on Osgood Road and lane widths on Osgood Road.

22-13 Comments concerning the photo simulation of the proposed Warm Springs Station are noted. Figure 3.7-8 of the DSEIR provides a visual depiction of the proposed station to determine the visual impacts that would result from the placement of the proposed station in the Warm Springs area and does not reflect precise parking use demand or future lane configurations. Design decisions such as future intersection configuration, striping and signalization on Warm Springs Road, and lane widths would be determined during final design of the Warm Springs Station.

22-14 The text in Section 3.7 refers to "motorists' views" to depict roadway user viewpoints. This viewpoint would apply to cyclists, pedestrians, and motorists passing along the referenced roadway.

22-15 Comments concerning the photo simulation of the optional Irvington Station are noted. Figure 3.7-10 of the DSEIR provides a visual depiction of the proposed station to determine the visual impacts that would result from the placement of the proposed station in the Irvington area and does not reflect traffic demand or future lane configurations. Design decisions such as lane widths and bicycle lane striping would be determined during final design of the optional Irvington Station.

22-16 Comment noted. The comment refers to BART's parking pricing policy, which is not part of the Proposed Project or the DSEIR. The BART Board of Directors sets the parking policies for the BART system and has maintained a policy of free parking for the majority of parking spaces at BART stations. As noted in the response to comment 20-17, the Board has recently initiated a reserved parking program where patrons pay monthly fee to reserve a parking space until 10:00 a.m., after which time the parking space can be used by any patron.

22-17 Page 3.9-16 of the DSEIR provides a description of existing bicycle facilities in the vicinity of the proposed Warm Springs Station and optional Irvington Station. Impacts of the Proposed Project to pedestrian and bicycle facilities are presented on page 3.9-41 of the

DSEIR. The Proposed Project would not affect the referenced frontage roads on Fremont Boulevard and Blacow Road.

22-18 See the responses to comments 22-3, 22-4, 22-8, and 22-16.

22-19 Tables 3.9-9 and 3.9-10 of the DSEIR provide information concerning modes of access to southern Alameda County BART stations. The tables show projected ingress and egress by various modes—automobile, kiss-and-ride, bus, and non-motorized access—which allows comparison of the modes of access by general categories. The tables combine non-motorized access, which gives an indication of the general usage of pedestrian and bicycle facilities. The appendices to the transportation technical report, which is Appendix N to the DSEIR, contain a separate estimation of bicycle access at the stations.

22-20 Commenter's preference for use of the term "route" to describe the 15-foot travel lane referenced on page 3.9-41 of the DSEIR is noted.

22-21 See the response to comment 22-1.

22-22 Comment noted. See the response to comment 22-16.

22-23 See the response to comment 22-2.

Letter 23

SREHOLMES@aol.com
04/24/03 09:11 PM

To: rwenzel@bart.gov
cc:
Subject: Warm Springs Extension Project

Spencer Holmes
3522 Jamestown Rd
Fremont, Ca. 94538
Boy Scout Troop #143
April 24, 2003
Richard Wenzel
Bart / Warm Springs Extension Project
Bay Area Rapid Transit
P.O. Box 12688
Oakland, Ca. 94604-2688
Dear Sir:

I attended the public hearing for the Warm Springs Extension Project at Parkmont Elementary School on Monday April 14 2003.
Could you please briefly explain how "Bart" is going to tunnel under Lake Elizabeth?
I am concerned about how this "tunneling process" in going to affect the wildlife, in and around the lake.
I think that it will disturb the wildlife. I think that the tunneling machine will create a vibration under the ground. This will confuse the animals. I understand that this is only going a small amount of time to tunnel under the lake, but I think it will disrupt their eating and mating cycles. 23-1

Sincerely,

Spencer Holmes

Response to Comment Letter 23 (Spencer Holmes)

23-1 Construction of the Proposed Project alignment under Lake Elizabeth is described on page 2-49 of the DSEIR. This section of the alignment would be constructed using the cut-and-cover method and would not require tunneling. The cut-and-cover subway would be excavated with laid-back side slopes. An invert slab would then be constructed, followed by construction of the box walls and roof slab. Once the subway box has been completed, trackwork and then train systems would be installed. The subway box would then be backfilled, and the site would be restored to the previous grade.

Impact BIO11 and Mitigation Measure BIO11, discussed on pages 3.4-41 and 3.4-42 of the DSEIR, identify biological impacts and mitigation measures associated with construction of the alignment under Lake Elizabeth. Implementation of Mitigation Measure BIO11 and the other mitigation measures discussed in connection with Impact BIO11 would reduce the effect of Impact BIO11 on biological resource to a less-than-significant level. See also the response to comment 11-19.

Letter 24

MAY 09 2003

STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

Larry Milnes

May 6, 2003

San Francisco Bay Area Rapid Transit District
Attn: Richard Wenzel, WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Re: Draft SEIR for the BART Warm Springs Extension (WSX)

My comments on the reference document are:

Central Park Culvert.

The cross section for the planned culvert (to carry BART trains underground through Central Park) shows the bottom of this structure between Stevenson Boulevard and Laguna Creek (AKA Mission Creek) will be on the order of 20 feet below the ground surface. Borings conducted in this area in the 1950's showed there was a clay layer overlying rich quarry quality gravel deposits. A quick review of the Draft SEIR did not indicate BART had done exploratory borings in this area. In the opinion of this writer, these should be done as a part of this phase in order to identify whether or not its excavations for this below grade structure may encroach into these gravel deposits (and thus experience ground water problems during and following construction). Methods of dealing with

- excavations into this gravel bed and water proofing of the structure); or alternatively
- raising the grade of the structure

should be identified in this Draft document in the event borings show this to be likelihood. 24-1

Blacow Road Extension across BART Alignment

The City of Fremont General Plan provides for Blacow Road to be a continuous thoroughfare northwesterly from Osgood Road. Portions of Blacow Road presently exist on the northwesterly and southeasterly sides of the present railroad corridor (planned to be occupied in part by BART). There is no mention of this potential conflict in the discussion on pages 2-51 and 2-52. Plans for accommodating this future extension as either an underpass or an overpass should be discussed in this Document, in order for it to be considered complete. 24-2

Thank you for the opportunity to comment on this Draft SEIR.

Larry Milnes

Larry Milnes, PE

41704 Murphy Place, Fremont, CA 94539-4721 Telephone (510) 656 6238 FAX (510) 770 9438 e-mail LMilnes@Earthlink.net

Response to Comment Letter 24 (Larry Milnes, PE)

24-1 BART has initiated geotechnical site investigations, and early results indicate that the gravel bed is somewhat below the excavation depth required for the subway. The depth of the subway is subject to revision as the alignment is further refined, and minimizing the depth of excavation is one of the objectives of the project design.

24-2 BART has consulted with the City of Fremont concerning the placement of ancillary facilities in the vicinity of Blacow Road east of the Proposed Project alignment. As shown in Figure 2-4d on page 2-12 in the DSEIR, the traction power substation optional location is outside the Blacow Road right-of-way in the landscape area of the City of Fremont Corporation Yard. The other optional location for the substation would be on the northern edge of the Blacow Road right-of-way at 42400 Osgood Road, which would require displacement of a portion of the existing parking lot. (See Table 3.6-8 on page 3.6-14 of the DSEIR.)

Therefore, the Proposed Project would not preclude a future overpass of Blacow Road over the Proposed Project and Union Pacific tracks.

Letter 25

RECEIVED
MAY 09 2003
STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

From:
John and Sabine Hardin
1925 Barrymore Common Unit R
Fremont, CA 94538

To:
San Francisco Bay Area Rapid Transit District
Attn: Richard C. Wenzel, WSX Environmental Director
PO Box 12688
MS 1KB-6
Oakland, CA 94604-2688

May 6, 2003

Mr. Wenzel,

My wife and I were unable to attend the latest public hearing regarding the Fremont to Warm Springs extension. We do however have a couple of questions regarding our residence. Please review this and reply back to us.

We live in Fremont Villas at 1925 Barrymore Common Unit R. The Fremont Villas complex was built in 1980 long before Bart even acquired the land to build the extension to Warm Springs. All of the units at Fremont Villas are equipped with single pane windows. The windows in this complex as well as the wall insulation were not built to withstand the level of noise that Bart is about to impose upon the residents here.

Currently our unit is ¾ mile away from the Fremont Bart station. When I lay in bed at night, I can hear the Bart trains coming into and leaving the station. Imagine what the noise level will be like when the train rolls by 75 feet from my bedroom window.

One of the local residents here at Fremont Villas has provided us with access to a document that states that only 12 units, 4 units in 3 buildings at Fremont Villas will be affected and will receive some type of insulation and window work done. The document didn't state which units were the effected units. We don't know whether our unit has been selected but we suspect it has not because our building has 4 units that have a few degree more direct view than ours. 25-1

Our questions are:

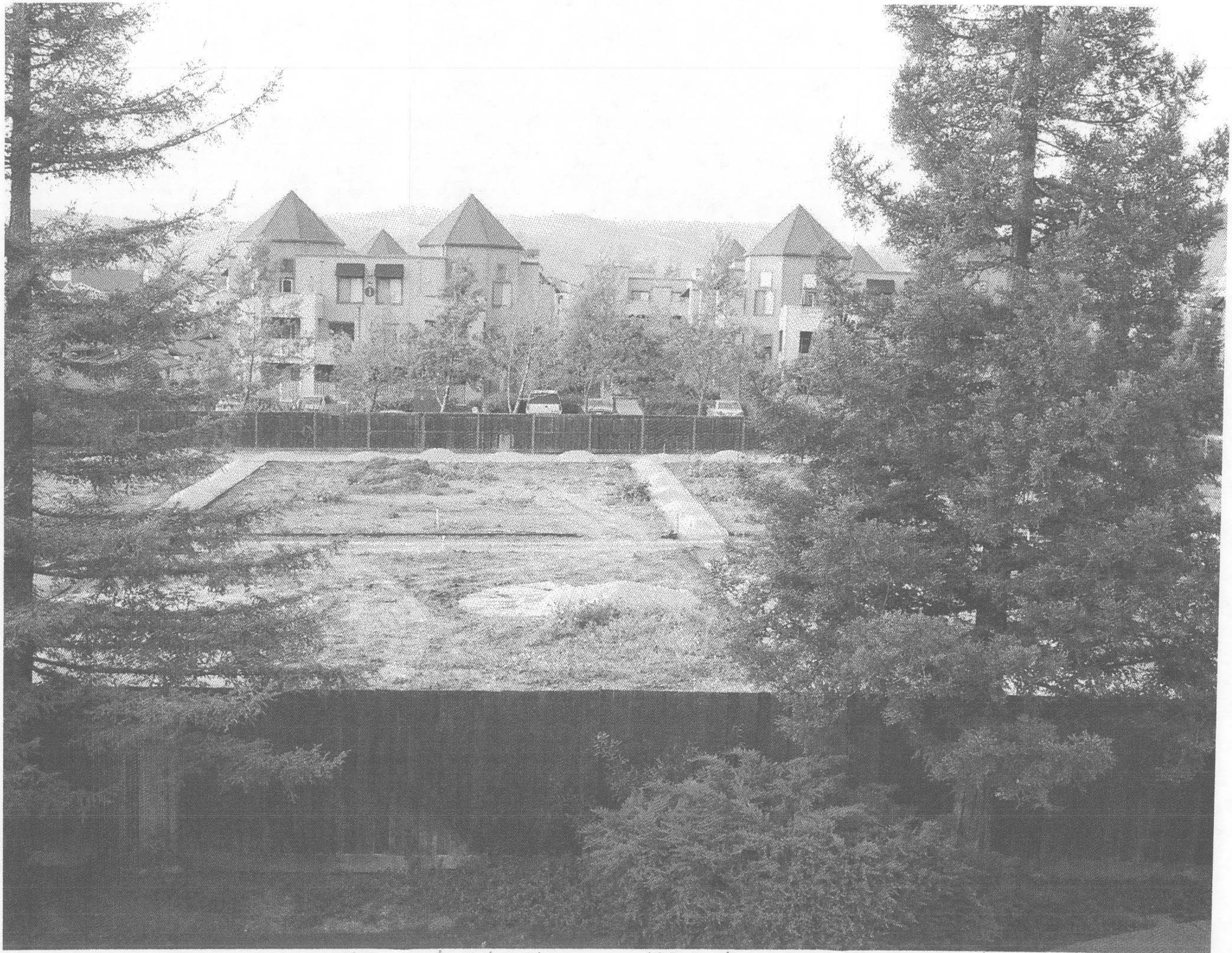
1) Will our unit be retrofitted for the noise, and if not why not? We have provided pictures of the view from our unit of the area where Bart will be going through. It is apparent from viewing the area from our unit that we will be affected. We also tried to sell our unit last year and it was apparent to all of the prospective buyers that our unit was affected as that was the main reason for concern and in 3 months we received zero offers. 25-2

2) We also noticed from the environmental impact report that tests have been done to determine the decibel level of noise at varying distances away. How did you test the decibel level at a second floor level that will be above the sound barrier? 25-3

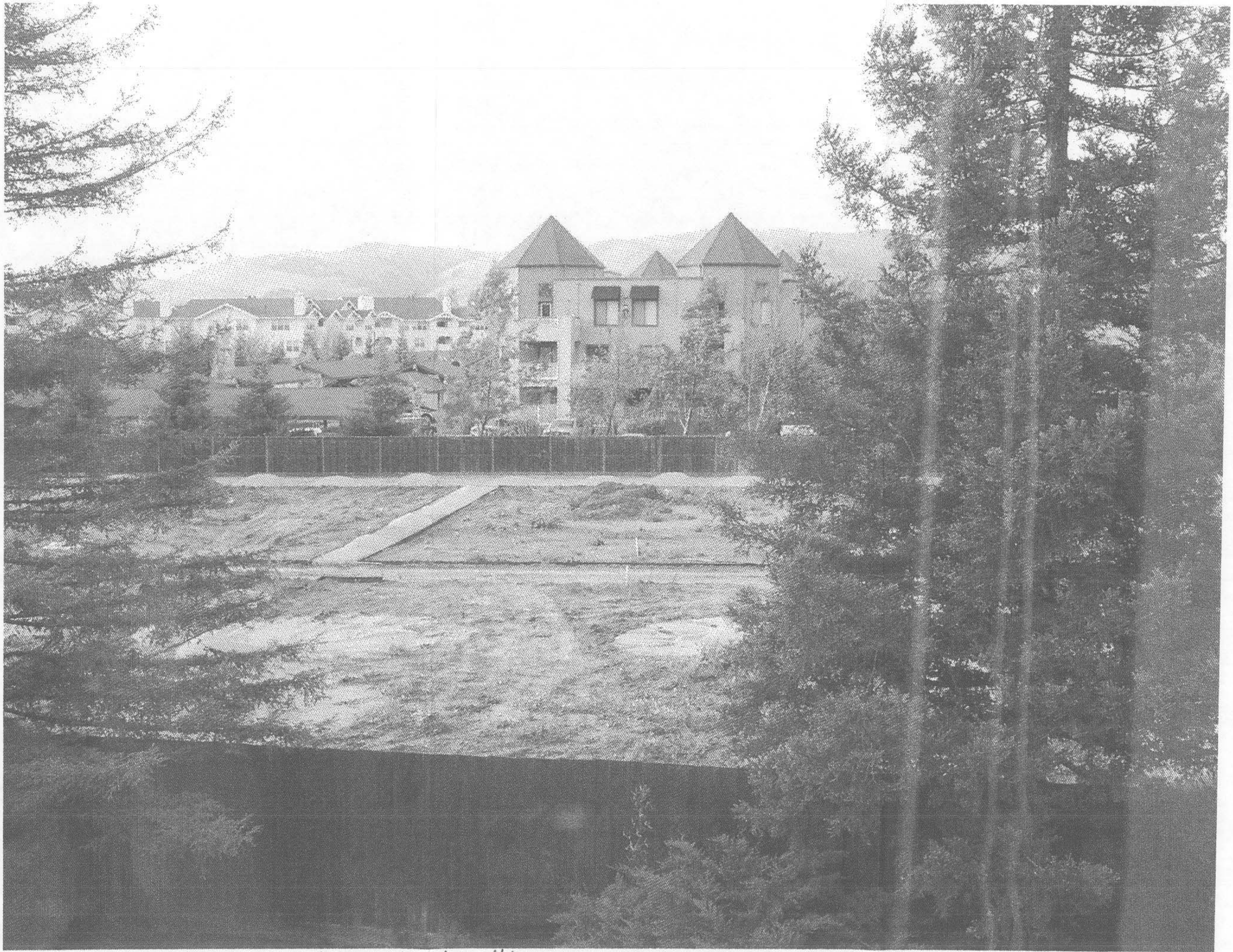
Thanks,

John T. Hardin

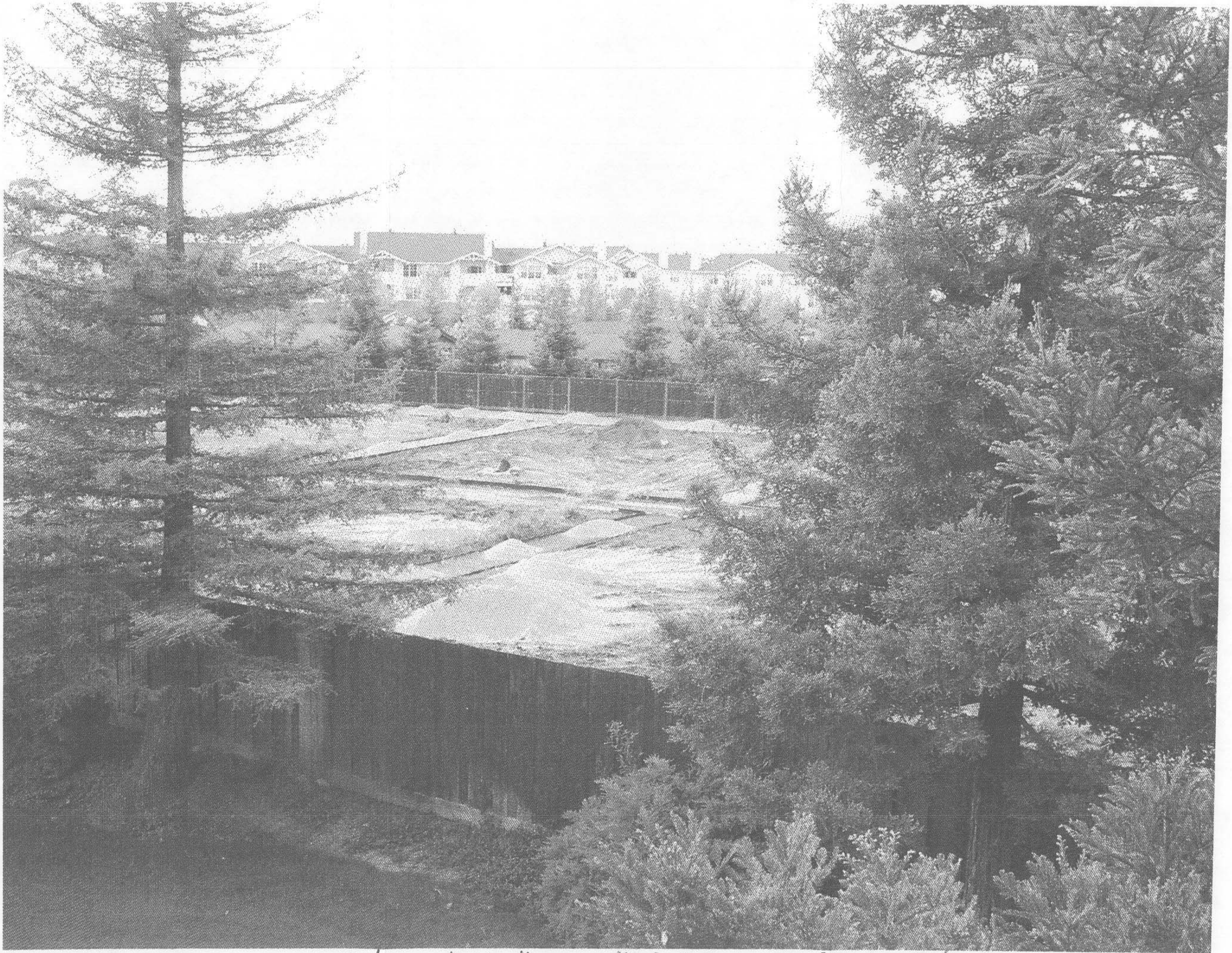
John T. Hardin



Front Patio View 1925 Barrymore Common Unit R



Front Window View 1925 Barrymore Common Unit R



Bedroom Patio View   1925 Barrymore Common Unit R

Response to Comment Letter 25 (John T. Hardin)

25-1 See the response to comment 21-6.

25-2 As indicated in Table 3.10-9 on page 3.10-32 of the DSEIR, noise barriers are identified as potential mitigation for noise impacts in the alignment segment between Walnut Avenue and Stevenson Boulevard. The exact dimensions of the noise barrier, including length and height, will be determined during the design phase. The DSEIR did not identify this alignment segment as a potential location for building sound insulation (see Mitigation Measure N1 on page 3.10-25 of the DSEIR). As noted in this mitigation measure, site-specific mitigation will be refined as engineering design details become available.

25-3 The noise prediction model identifies predicted future noise levels at ground and above-ground elevations. This allows for prediction of future with-project noise levels at ground floor levels and also at upper floor levels of noise-sensitive receptors. Mitigation Measure N1 includes noise abatement methods designed to reduce noise levels at the identified receptors, both at ground level and second story levels. As depicted in the revised Figure 3.7-4 in Section 3 of the FSEIR, it is likely that a noise barrier would be placed on the BART embankment adjacent to the BART tracks in the vicinity of Fremont Villas. Based on available information, it appears to be feasible to design and construct a noise barrier at this location that would provide noise mitigation for the upper floor levels at Fremont Villas. Because the alignment is partially below ground level as it approaches the subway portal, a combination of below-ground retaining wall and a noise wall would provide mitigation for upper floors at Fremont Villas.

Letter 26

RECEIVED
BART

APR 9 - 2003

TRANSIT SYSTEM
DEVELOPMENT

May 9, 2003
San Francisco BART,
Attn. Richard C Wenzel P.E.,
WSX Environmental Project Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

The Supplemental Environmental Impact Report (SEIR) for BART's Warm Spring Extension (WSX) lacks a real assessment of impacts to the environment, social and economic conditions, without any evaluation of cost benefits of the Proposed Project as well as the alternatives The SEIR especially glosses over a prime salient consideration of land use development of the project area which is necessary for WSX to be viable rail project..

An important point mentioned by a BART attorney is that this SEIR only pertains to BART's administration, operation and management of the WSX project and cannot include Fremont's policies. Still Fremont's land use and development policies are major concern because it lacks a nexus of assured development which is necessary for WSX to be a viable project. Even so, until there is this nexus, BART should not approve this SEIR.

The SEIR assumes that Fremont will rezone around Warm Springs (WS) station area where it is currently zoned low density industrial with little development. Fremont has known for over a decade of the route of BART and has a done little in planning and zoning in preparation for BART. In fact, within 4/10 of a mile of this station, Fremont Council has tentatively approved a Big Box Wal-Mart Development in opposition to the recommendation of their Planning Commission. They also approved a low density single floor auto oriented industrial development also within a half mile of this station.

With this void of dense development immediate to this station, the SEIR indicates the building a 2,040 space surface parking lot equal to 4 city blocks for BART access. This is worse than building a Park and Ride lot on a Freeway out in the suburbs and is unheard of for any Metro station. In regards to parking and future development, BART currently has a policy which they refuse to amend that requires that any developer to replace each existing BART parking space on a 1:1 basis in addition to the parking required for the development. This essentially sustains permanently an Auto Oriented Station rather than a Transit Oriented Station which all transit agencies are trying to advance.

Of existing WS area development with the exception of the NUMMI plant, the few scattered low density small warehouse/office type buildings are unlikely to generate any number of BART users. With no assurance that a dense multi use Transit Oriented Development (TOD) will be developed., the projected ridership by 2025 is only 7200 trips. 26-1

With this ridership and cost of $634 Million, its estimated cost per trip per new rider for WSX would clearly be over $50 when comparing the cost and ridership of BART's SFO Extension (SFOX) which was little over $25 per trip per new rider with a ridership of around 70,000 at a project cost of $1.2 billion. WSX with about 1/10 of SFOX ridership and one half its project cost, WSX cost per trip per new rider should be several times that of SFOX. Several years ago MTC made an estimate for WSX which was over $70 per trip per new rider.

It is critical that greater density development is assured before WSX's SEIR is approved. Also, in terms of public operating subsidy, no extension should require greater subsidy than BART's overall system wide subsidy, otherwise it would be a drain on BART's operating budget. If Fremont really wants WSX despite its greater subsidy, Fremont should be made responsible to pay the difference in subsidy such that WSX's operation would not be a burden to BART's finances. VTA has agreed to pay the full cost of operation and maintenance for the San Jose BART extension.

The SEIR should not be approved until Fremont provides a committed rezone for this corridor and station site in a fashion that its projected ridership will produce revenues that would equal BART's overall fare recovery.

Specific Comments; Here in the following section are specific comments on the WSX SEIR and I apologize in advance to the repeated comments I make but I do so to try to point out the importance of the points.

Project Propose; pES3 to ES6; Mentions the total expected Vehicle trips of 500,000 by 2025, a 25% increase over year 2000 with the estimated ridership of WSX at 7,200 by 2025 which is quite low for such a large cost. 26-2

pES-10; Land Use- Mentions BART's Strategic Plan and System Expansion Criteria and SEIR assumes the City of Fremont will conform to BART's Plans and Criteria. However to date, on future growth and opportunities, Fremont has shown no action on changing land use and development plans for higher densities or TODs along the BART R/W even though this project has been under consideration for over a decade. 26-3

BART System Expansion Policy and Criteria; There are only a few BART Goals as well as BART Objectives being met or evident in planning by Fremont. Especially in terms of Land Use and development.

Transportation -- SEIR states WSX will increase transit trips, but it is only 1.44% of 500,000 trips at a Capital cost of $634 million and an annual operating cost of $9.17 million per year whereas the Bus Alternative (BA) provides 4,200 trips which is 0.84% of 500,000 trips, costing $284 million (45% of BART) with no mention of its operating cost. SEIR passes BA's operating cost off by mentioning it will be the local bus agency's cost. Still how can one evaluate the cost benefits of the two respective alternatives if there is no cost for its operation? It should be considerably less for BA than WSX. It also appears neither WSX nor BA will materially mitigate the total trips through this corridor. 26-4

With WSX providing greater transit ridership, will it reduce overall traffic Congestion? It appears BART may have some moderating influence on congestion but there will still be a large increase in auto use. With an increase of 100,000 trips from 400,000 in year 2000 to 500,000 trips in 2025 and BART handling only 7,200 there will still be an additional 92,800 added auto trips.

p1-14 ; SEIR ignores Table 1-3 BART System Expansion Criteria where it mentions -- Generate new ridership on a cost-effective basis- with an objective of -Minimizing the need for operation subsidies-; And - Demonstration of commitment to transit-supportive growth and development- in assuming that Fremont will conform to the Criteria. 26-5

p2-35 & 36; Re; WSX Access Hierarchy. The intermodal bus center should be along the major bus route street where the buses need not have to travel a circuitously route to access BART, because most local bus users are not destined to BART. It mentions auto access via Kiss and Ride at higher hierarchy than parking but there is no mention of Car-sharing which is a growing component of access. 26-6

p2-40; Irvington (Irv) Sta Access; No mention of the7th hierarchy mentioned for WSX -- Carpooling, etc as well as car sharing. Also, if this station is added would it not reduce the number of parking spaces at WS? 26-7

p3.1-7; Cumulative Impacts; Combining the SVRT, there would be a significant impact, but SEIR only mentions it as a passing comment. SVRT's MIS concluded as its preferred alternative was the extension of BART that would cost $3.7 Billion and that it would generate 87,000 trips with about 65% coming from the East Bay. Yet there exist two commuter rail lines currently in operation that could readily serve much of this travel with minor upgrades. According to SEIR, the Proposed Project (PP) ridership by 2025 is only 7,200 trips costing $634 million with an annual operating cost of $9.17 million/year. What is WSX Cost per trip for total riders as well as new riders? BART's SFO cost per new riders was little over $25 per trip and this project cost was $1.2 Billion, roughly twice WSX but had about 10 times more daily riders in 20 years. Now that SFO cost is $1.5 Billion the cost per trip per new rider increases accordingly and will be over $31. 26-8

p3.1-9; There is a large void of new developments around WS except Skyway Court within its 1/2 mile radius. But Skyway Court is low density one story light industrial development which will not generate many transit users. Fremont Council apparently approved a large auto oriented Big Box facility Wal-Mart within its 1/2 mile area but was reviewed again by Fremont's Planning Commission and they unanimously opposed its approval. 26-9

Land Use and Planning; p3.5-3 to 3.5-5; Maps provided are misleading in that they do not show the jurisdictions or planning area mentioned in the narrative of the SEIR. 26-10

p3.5-6 & 7; Where is the Mission San Jose and Irvington Planning Area? Maps do not show street names as Roberts, Carol, and Adams Aves listed in the SEIR. And what map delineates the Irvington Planning Area? 26-11

p3.5-9 & 10; Industrial Planning Area Map with street names like Lopes Court or Tavis Place with large lot single dwellings mentioned in the narrative cannot be located.

Note; the lack of existing development and density at WSX is worse than BART's West Pittsburg (WP)Extension or East Dublin/Pleasanton (DP) Extensions, so where will riders come from and go to in using BART? On the overall cost of WPX including annual operating cost, the public is subsidizing each round trip rider more than what we provide a welfare family of three for bare existence over a period of 20 years and the capital cost for WSX exceeds WPX as well as the WSX projected ridership is only 7/12 of WPX. 26-12

p3.5-12; It appears the goals of Fremont's General Plan F-11 & F-14 are not being pursued. BART corridor has been well defined for more than a decade yet Fremont has done little towards its planning and development for a dense corridor or station area that would develop the necessary ridership to have a viable BART Extension. 26-13

What is the relationship and immediacy of Fremont Central business District mentioned in the GP Policies and the italicized *CBD Area Conceptual Pedestrian Connection Plan*?

p3.5-13 Threading through description of Fremont's GP there is reference to the BART extension, but again they have done little in planning or reasoning to foster BART's viability. Although Fremont's GP Goals details BART in construction but what have done on details for land use and development or rezoning compatible to BART's Plans and Strategies? Their GP even mentions supporting this BART Extension, but again what have they done in development or rezoning? 26-14

p3.5-16 to 5-22; SEIR includes a section about the GP on Central Business District and Central Are Residential but what is its bearing or its relationship to either Warm Springs or Irvington Area Station Development? Overall Fremont has ignored to really plan for this BART Extension and that the densities that are mentioned are not in keeping with generating any kind of ridership that would minimize the subsidies for BART operating to Warm Springs. As it is, the ridership would be less than the Concord to West Pittsburg Extension where we are now subsidizing each round trip rider more than what we provide for bare subsistence a family of three on welfare! WSX is still zoned industrial. For the record, can the SEIR Reviewer describe any metro station in the world that only serves a sprawled low density industrial site? Also why shouldn't the BART platform straddle Washington Blvd. and Grimmer Blvd. to provide easier access for bus users and travel time saving for bus transit system? 26-15

SEIR states "the WS Planning area does not anticipate significant changes from those in the past" which is ominous as to the extent changes are direly needed and should be made. Does the author of the SEIR know of any metro system like BART having a station located amidst a large parking lot in a low density industrial area?

p3.5-26 & 5-27 WSX does not appear to meet MTC goal of Community Vitality nor the "Guiding Principles" of ACCMA. The SEIR only mentions that this project shares the visions and goals. Is sharing visions or goals any assurance that the goals and principles will come to fruition? An investment banker would want greater assurance than a vision so why shouldn't the public also want better assurance? 26-16

p3.5-30 to 32 SEIR states that Fremont is addressing the Concept Plan for BART, but again should the public commit $634 million in hopes that they would come up with a dense corridor that would minimize auto use and provide adequate ridership that would be equal or exceed BART's present fare recovery such that it will not adversely affect BART present subsidy revenues. 26-17

If Fremont presses for this project under current nebulous claimed visionary developments, Fremont should be required to provide the difference in funds that matches BART's current overall subsidy. Only when there is coordinated development of nodal density around WS Station area will the ridership develop revenues equaling BART system.

p3.5-33 to 35; LU2 points out the inconsistency with applicable plans and policies with BART, MTC, and ACCMA. Still the SEIR mentions they will be addressed, but to what degree? So until the inconsistencies are resolved should the SEIR be approved?

The 'concept station plan' may be compatible to BART's policies but it is still just a concept, or a vision. Current station area development of up to 1/2 mile, there is a void of any actual development that will result in low transit ridership.

Another point which has large financial impact is not mentioned. This is when added public infrastructure is constructed it creates large appreciation in land value around the infrastructure, which should be evaluated. City of Portland managed to get an LRT Airport Extension without expending public funds by just providing the development rights along the LRT R/W leading into the Airport. Property around the periphery of East Dublin/Pleasanton's large 3,000+ surface parking lot sold for over $85 per square foot or $3.7 million per acre and the land owner did not earn it, the public earned it ! So the public should capture some of this appreciated value by forming an assessment on surrounding property that gradually decreases its assessment based on distances from the stations up to a range of 1/2 mile. Embarcadero Station was added to the original BART system paid via an assessment district and is now the second highest used station. 26-18

SEIR mentions better "expected" land use development specific plan, but for such an expensive public investment that is reliant on dense development that will provide good BART usage, it should be more definitive than an expectation!

ACCMA's guiding principle states, " Transportation investments must be made in conjunction with appropriate land use planning ……." and to date nothing along this line has happened. Yet the SEIR implies Fremont's specific plan "would encourage higher density development around proposed stations site" and concludes this "proposed plan is consistent with applicable plans and policies so it is less than significant" in impact. Again with such a large public investment are words such as "encourage" and "proposed" an assurance for this to happen?

With all this rather tentative description of land use and development the SEIR, classifying LU as 'less than significant' is very puzzling.

p3.9-20 Parking; What was the criterion for determining the number of parking spaces for WS and Irv? The history to date on modes of access to BART in low density suburban areas is that most BART parking gets filled well before the 20 year projection and other modes of access lag. Yet, the future of BART's increased ridership will be dependent on development and other modes such as pedestrian, bicycle, car sharing and buses because parking is finite, once filled it is difficult to expand. Also the parking area with its number of spaces takes so much valuable developable space. Actually, the parking space should be gradually replaced with Transit Oriented Development but BART directors have unwaveringly maintained a position to retain all the parking and when any TOD is planned the developer is required to replace all the existing parking plus build additional parking required by the development itself. This is a no win situation. Also there is no mention of charging for parking which can be used to temper the demand.

For a sprawled area such as Fremont it probably would be best to serve WSX in the future by some form of feeder transit. Feeder transit can be expanded extensively based on its frequency and capacity of the vehicle used. Whereas with parking it is finite. 26-19

Another problem with most suburban BART station location designs is that parking determines the location of the station. Stations are located around parking and not along the street where buses operate. If future access will be dependent more on feeder transit and the hierarchy is for buses, rather than merely provided buses a closer access to stations over parked cars, by requiring buses to maneuver circuitously taking up considerable time, why not require the parkers to walk a little more and locate the station across or near the street where the buses operate. Many of the bus riders are local users and are not headed to use BART, so why subject local users riding the buses in and out of the BART maze and adding to their commute time. In the future additional bus routes will be serving the station as well. BARTs Rockridge or MacArthur Stations are good examples where buses feed BART without having to drive off route through large parking lots and its congestion and increasing bus travel time for the user as well as increasing operating cost for the bus agency.

p3.9-29; Table 3.9 -5 Rail Ridership In an earlier assumption it mentioned that the Capitol Corridor (CC) would operate at 60 minutes headway all day and its been reported in the media that this line has experienced about the greatest increased ridership as a commuter rail in the country. Commuter rail can operate even more frequently during peak periods for I have experienced headways down to 4 minutes which is better than any BART line. Yet it shows CC with only 2,300 riders which is about 3.5 times less than the ACE which operates only during peak hours. Can this be correct? And if the CC line has greater ridership wouldn't that reduce the WSX ridership as well as when the SVRTC is constructed? In Japan and many Countries in Europe there are more commuters using commuter rail than urban rail or metros to commute to work and the capital cost for commuter rail is far less than for urban rail or BART. 26-20

p3.9-39 - Table 3.9-13; Transit Travel times - Comparing the 2010 No Project to the Proposed Project (PP), of the nine trip examples, 4 shows with WSX there is improvement over the No Project and 2 where the No Project excels with the remaining 2 that are same. There is a similar table comparing the Bus Alternative (BA) to No-Project but it is for year 2025. I find no comparison for BA to PP.

If the BA was operated similar to Ottawa's Busway (BW) system, I would venture to say that in most cases the travel time would equal or would be less than the PP. Ottawa's buses before operating on the BW pick up riders in the neighborhood before getting on the busway and if there are a number of riders destined to a place of high employment some buses would be designated to serve that destination by diverging off the busway to deliver riders to say NUMMI. During peak they operate over 200 buses per hour on the BW. Similarly if the BA was extended to serve San Jose it would also very likely provide similar time savings because buses can be flexibly operated to serve the various dot-com Campuses which are mostly located some distance from the BW. All this is done without the need for transfers, again if there is adequate demand. In addition it would cost far less and could be in operation much sooner. 26-21

p3.9-51 to 53; Table 3.9-15 & 3.9-16, Historically in the long run we have never managed to relieve congestion. This is because we continually permit auto oriented development along with sprawl which is totally dependent on auto use. What will be the state of congestion beyond 2025 or for year 2050? We have never built ourselves out of congestion and we cannot endlessly widen roads for we do not have the R/W and we cannot afford elevated roads or subways. It should be obvious we will have congestion when we are registering more vehicles than the capacity of lane miles we build. Widening roads promotes more auto oriented developments and will exacerbates congestion problem.

26-22

Cities are recognizing they can do little on reducing congestion problem and coping with the problem. London recently has done this by imposing congestion charges. Also most major arterials in Japan are toll roads. Singapore charges 250% tax on car purchases. In other words they are imposing pricing options. We need to make people aware that there is a cost in the use of the auto not only monetary but social and environmental as well. Therefore Table 3.9 of charting the LOS of traffic for 2025 is meaningless. Even comparing No Project to other alternatives the comparisons shows there are really no major differences.

p3.9-62 to 65; Parking Demand, SEIR mentions the parking demand is based on unconstrained travel demand. Does this mean that parking the parking demand is based on it being provided FREE? If so the demand will be exceeded as mentioned at most existing BART stations well short of the year 2025, demand is insatiable if free. Also does this mean that BART is obligated to provide this unconstrained demand of 2040 spaces if the project is to go forward? If there was a charge would it not affect the demand? Parking should be instituted with a minimum parking charge to make it clear that there will be a charge and when the supply is exceeded the charge would increase to control the demand and not the other alternative of increasing the supply.

BART is about the only major transit system that has 42,000 parking spaces and had provided it free until about a year ago when BART incurred a large funding deficit. BART instituted a parking charge for 25% of its spaces at $63 per month. Yet the City of Lafayette has charged $2 for street parking on the peripheral streets for years, also several stations have metered parking around BART's free lots and there are several private lots next to BART charging up to $5.50 per day. 26-23

There is also the social equity problem of parking for inner city BART users have little or no parking and have a lower household income, yet to use BART many need to pay an extra transit fare with other public transit to use BART.

The SEIR does not cover the social equity aspects of BART which it should. On FTA New Start it is a requirement. As mentioned earlier about the subsidy for one suburban BART user exceeds what a family of three gets from Welfare. So there apparently is a social equity problem with WSX due to its low ridership and high cost. One outside consultant remarked to me that at the high project and operating cost the whole area could probably have free transit over the 20 year period and develop far greater ridership.

pP4-5 Growth Inducing; While it is true that BART should foster more dense development around the station area but it also needs to have some overriding regulation that insures that dense development takes place. There is a problem that NIMBY forces may build up and prevail to down zone the area which has happened on several cases. Ottawa faced this problem but since they received funds from the Province on a condition that Ottawa to develop a regional plan. This resulted in a transit project which emphasized TODs. After the project was completed and Ottawa proceeded to construct TODs, some NIMBYst objected to the dense development and tried to down zone. The Province told Ottawa that they would have to return the funding if they changed from the TOD oriented regional transit plan. 26-24

Bus Alternative (BA); Note; I have numerous questions and differences mentioned in the SEIR on Bus Rapid Transit (BRT). I have traveled extensively and have studied and viewed many rail, metro, PRT, and especially BRT systems. Also served on several TCRP oversight committees on transit that produced well used reports. With this background, it appears that the SEIR only perfunctorily studied BA without consideration for an optimal use of BRT. BRT has many facets that can be phased in and be very accommodating to generate as many riders as most rail systems except in heavy dense urban areas. I am familiar with BRT systems in Canada, Japan, Europe, South America (especially Curitiba, Brazil), Australia and the US that handle as many or more riders than BART at a cost that is a fraction of BART's cost. There are BRT projects in the US that has attracted more riders than our recently constructed BART extensions. So what I read in the SEIR, BA alternative is being glossed over.

p5-19 - SEIR downplays BA by mentioning the congested roads, ramps and intersections that the buses would have to traverse. But it does not mention or consider that one can readily build special by-pass lanes at sections of congestion which have been used in several cities as Leeds UK, or special on/off freeways ramps for buses and High occupant vehicles which are common at many US ramps. One can in the near future extend the BW along UPRR R/W down to Hwy 262 and provide a special access onto Hwy 262 as Caltrans has done north of Hilltop Drive on I-80 and at Cutting Blvd. on I-80 in Richmond. Also HOV lanes have been or will be constructed by Caltrans along most of the Freeways in areas that the BA can use if San Jose is the destination. HOVs may reach capacity but one can increase the occupancy per vehicle which will lessen the capacity and buses can continue its use and making effective use of the HOV lanes at little cost to the public and still provide good fast, reliable and effective transit which is our future. 26-25

Also SEIR downgrades the BA saying that there would be a dwell time of up to 1 minute. This can easily be overcome as most LRT have done using the pre-paid fares or another way which is the introduction around the country that is taking place is the use of the Smart Card which would be as fast as the boarding a BART system. Also in Curitiba they use buses that have five doors on their triple unit buses.

Another criticism was on the time the Buses will take to maneuver through local congested arterials. Again most of the congestion occurs at intersections so it may be possible to construct by-pass lane for buses to queue jump the congestion.

Another way to speed up buses through Fremont is from the Fremont BART station initially build an exclusive BW on the PP R/W to Stevenson and along Stevenson and Paseo Padre Parkway provide a special turn lane with signal priority to operate onto Paseo Padre. If there is a marked directional peak flow of the congestion, it may be possible to building a single reversible bus lane that buses can use in the direction that is congested.

I do not know the design used for the BW and its cost but I do know it is possible to build a simple 24 ft wide 2 lane busway without shoulders and at stations widen it to 48 ft so buses can pass each other. A plain BW could have many of the crossings at grade with signal priority. Also for more precise boarding for a small gap at the platform to bus one can use magnetic guidance perfected by PATH. If one uses this guidance along the BW itself then the roadway can be reduced to 20 ft and drivers would not have to steer. Or another construction alternative of BW is to pre-cast 2.5 wide by 20 to 40 feet length sections for the bus wheel to operate on. This is what Adelaide did to build their BW mainly with pre-cast members at less than $18million per mile. Also Adelaide managed to build grade separated crossings with the pre-cast members at little extra cost. So BW cost could be markedly reduced form the proposed estimated cost of $284 million.

26-25 cont'd. With three or four local bus lines as well as the BA to WSX operating on the same street as Paseo Padre Parkway with signal priority, considerations for an exclusive Busway (BW) operation maybe warranted. In Japan and Europe they have taken away existing traffic lanes and converting them to BW lanes. With the BW bus operating in platoon with the other local buses they can traverse the busway section as fast as any BART system and with greater frequencies since more routes will be utilizing the busway. Also local buses can operate flexibly in that they can operate on the BW along the congested portion of the route and then divert out into local service and serve the neighborhood faster and with greater reliability to schedules. These variances obviously were not considered in assessing BRT service and should have for it would generate many more riders. Ottawa operates along much of what is described and within two years its ridership was up to 200,000 per day which is greater than what any single BART line carries today.

Miami Metro service was extended with a busway at 1/16 the cost of BART's Dublin/Pleasanton Extension. They have 7 bus routes utilize the BW and almost over night carried more riders that BART's WP or Dublin Extensions did after 3 years of service. 5 of the bus routes use portion of the BW and at various points along they diverge from the BW and go into local service. Since it has a number of bus routes serving a wide strip, riders can access local transit without having to drive and park so the need for parking is minimal. They built a convenient transfer arrangement at the Metro station so overnight the BW built up a daily ridership of 11,000 per day in a few months of operation. Again this is far greater ridership than the WSX system that has a 2040 parking facility.

Ottawa, Canada's Busway transporting 200,000 riders/day operates over 200 buses/hour during peak periods. Local buses pick up passengers at neighborhood bus stops and enter the Busway, eliminating transfers and station parking, (reducing air polluting cold starts and the need for an extra car) and run express most of the way, since most of the riders are picked up locally rather than at the stations, to dense nodal destinations. If a bus stalls, other buses just bypass it, which can't be done by rail. 40+% of inner-city workers now use transit. Moreover, within six-year period, Ottawa's Busway has attracted over four times its capital cost in developments. The BW increased system wide speed that saved 5% bus hours in the first year and by year 2000 without the Busway at slower speed they would need 23% larger fleet to provide the same coverage. It was calculated that the use of the Busway's efficiency in 20 years would offset the Busway's capital cost, which cannot be matched by any rail application.

26-26 Pittsburgh, Pennsylvania's MLKing Busway operates similarly to Ottawa. About 20 local routes use MLK during peak periods plus 2 Busway assigned routes, transporting 3,000 riders peak direction/hour, equivalent to 3.7 major arterial lanes and carries 31,000 riders/day. In its first year, MLK carried about 3.5 times the ridership per route mile than Portland's MAX. Speed of express buses exceeds their own Light Rail by 2.8 times and 1.8 times by Busway routed bus. Operating subsidy/passenger was 57.5% less than their light rail. Its construction cost was under $13 million per mile.

Example for WS BA operation; If the NUMMI plant is a major destination for BART riders from Fremont Station, a specific bus can be routed on the Busway to the WS Station and riders without requiring a transfer to another mode to get to the NUMMI Plant, the bus simply take the riders there without a transfer. Or riders bound to Ohlone College could have buses from Fremont BART use the BW to Washington if there are large numbers wanting to go to the College. Or line 210 could be increased in frequency from 30 minutes down to 15 minutes which will increase service to the Irvington center where this center could use more frequent service as it is further developed as a transit center. Or the buses can go off route at Auto Mall Parkway and shuttle along the Parkway or feed bus 232 where there will be considerably more development to where riders would want to get to. The same with Grimmer Blvd Station.

VTA buses headed to Santa Clara Co could also use the BA BW ands save considerable operating time by extending the BW to connect to Hwy 262 and utilize the HOV that is under construction on I-880. From I-880 they can connect to their system at various points along I-880 or State Hwys.

If the BA option included the bus' flexibility of operation and convenience, it will improve local mobility far more than a fixed rail BART extension and take less travel time as well for the users. Because of the flexibility of buses by including a more comprehensive BA, it should generate far greater ridership than what the SEIR has projected.

Also since it is very likely that the SVRT extension will be a delayed in getting all its funding together to begin construction due to VTA's serious financial problems as well as the State's deficit problems, its completion will be extended several years. It could very well be a period of at least 15 years hence. Being so, one should consider local service more than intercity service with an overall flexible and adaptable transit system.

There is little in the SEIR that delves into Cost-Benefit which is a prime concern of the public on how well a project utilizes public finds in providing public transit, especially in a time when most Transit Agencies are having to cut service and staff. Recently Transit Cooperative Research Program published an excellent TCRP Report 78 titled "Estimating the Benefits and Cost of Public Transit Projects; A Guidebook for Practitioners" which helps respond to questions on matters such as ; congestion, travel times, pollution, and community developments.

Report 78 describes overall Benefits-Costs Concepts and Applications of Travel Impacts, Costs and Revenues, Impacts of Land Use and Development, and Impacts on Economic Development. It also mentions the prime public concern which is on the perceived cost of the transit system and how it relates to travel time savings and the fares which the SEIR does not really point out when comparing the BA to the PP. 26-26 cont'd.

Again the SEIR appears to gloss over many good points of the very cost effective BA and favors the PP primarily on the increase in projected ridership. SEIR also relies on VTA's modified MTC Model that has produced much higher ridership numbers than what other reputable consultants such as Cambridge Systematics and Parsons Brinckerhoff have done on related studies.

p5-60 Environmentally Superior Alternative; SEIR states overall the BA has more superior aspects on impacts to the environment, on costs and avoids archaeological impacts than PP. Yet, SEIR favors PP primarily on the perception that it attracts greater transit ridership with improved air quality and greater potential for compact development.

The consultant is unfamiliar with the many aspects of BW and BRT that is in use in many ways throughout the world and most BWs transport far more riders than any existing BART line. Also buses are being developed that emit far less pollution and are more quiet. Actually BART generates more noise and vibration.

As for attracting greater ridership through better development around station is a matter of how well a city commits itself to the overall general plan that is oriented to TODs. As mentioned earlier in Ottawa's case, there needs to be an overseeing body like Ontario Province in Ottawa's case that sees the Ottawa or a Region sticking to a General Plan. Ottawa's Busway with its committed TOD Plan has built more substantial TODs than any city with recent rail in the US.

Before BART started in operation, AC Transit carried as many passengers across the Bay Bridge as the autos during peak periods. During peak period AC operated a bus at an average of every 14 seconds across the bridge. Riders walked from their home to the local transbay bus stop to board the buses in their neighborhood which eliminated the short polluting auto trip and the trip to San Francisco was made without a transfer. 26-27

This Transbay bus service was a few to many type of trip and BART's current high ridership also is few to many type service, whereas, the PP scenario which is suburban or in sprawl, is a few to few type of trip where buses can serve this condition more effectively than rail because rail is a fixed route system. With rail, one has to access the rail usually by auto and at the point of rail egress one needs to find some other mode due to low density to get to their destination.

And regards to air quality, since BART is dependent on so much auto access (parking and Kiss and ride) majority of users will use the auto on some part of their trip and the auto use will likely be short trips which are the most polluting. Suburban BART station survey has shown that auto use to access/egress BART is in the range of from 70 to 90% of the trips. Providing so much parking also promotes greater sprawl, more air-pollution and more auto use. Also if the unconstrained demand for parking is based on free parking, it too promotes more auto use. The demand for parking will be continual and insatiable, once filled there will be public outcry and pressure to increase parking as we have experienced along with the media editorializing for more parking. So the SEIR statement that the PP would better promotes displacement of an air-polluting auto trip is questioned.

Sincerely,

Roy Nakadagawa

Roy Nakadegawa P.E.

Response to Comment Letter 26 (Roy Nakadegawa, PE)

26-1 An assessment of environmental impacts related to the Proposed Project is presented in Sections 3.2 through 3.12 of the DSEIR. Land use impacts are discussed in Section 3.5 of the DSEIR, and Alternatives are presented in Chapter 5. Under CEQA, an EIR is required to contain only a general description of a project's economic characteristics and is not required to supply extensive detail. CEQA Guidelines Section 15124. A detailed cost-benefit analysis of the Proposed Project is not required under CEQA and is not included in the DSEIR. Project costs and benefits have been prepared separately and will be presented to the BART Board of Directors in connection with the staff's recommendation on adoption of the Proposed Project.

The Proposed Project is a 5.4-mile extension of the BART system from Fremont to a new station at Warm Springs, with an optional station at Irvington. While BART policy supports promoting transit-oriented development surrounding new BART station locations, including the proposed Warm Springs and optional Irvington Stations, the Proposed Project does not include development of residential or other land uses surrounding the station sites. Future proposed development in the proposed station areas will be subject to separate environmental review by the City of Fremont. BART intends to continue closely working with the City of Fremont to encourage successful transit-oriented development through an in-depth policy plan and project analysis.

The DSEIR analysis of ridership and associated benefits for congestion relief, air quality, and energy does not assume rezoning around the Warm Springs Station area. This makes ridership projections for the Proposed Project conservative. Any consequential benefits of such rezoning would be in addition to the benefits identified for the Proposed Project in the DSEIR. See the response to comment 16-d.

The DSEIR does assume that the Proposed Project will provide additional opportunities for transit-oriented development in an area, which is currently zoned low-density industrial with little development. These opportunities are not considered speculative. The City of Fremont is now proceeding with a Warm Springs BART Area Specific Plan. The City Council authorized staff to begin preparation of the Specific Plan, and a consultant team has been retained to prepare the analysis. BART has coordinated with the city to develop the Specific Plan scope of work, which is currently scheduled to be approved by the Fremont City Council on June 24, 2003. The purpose of the Specific Plan is to identify development constraints, and development opportunities, and provide land use criteria, development densities, and design guidelines for the coordinated development of the station area and ridership outcomes. (Also see the responses to comments 4-4 and 16-4.) In addition, the City of Fremont has developed the Draft Irvington Concept Plan, which is in final draft form and is expected to be acted on by the City Council in the near term. See responses to comments 4-4, 16-1c, 16-1d, 16-2, and 16-3.

The City of Fremont recently approved a conditional use permit for a Wal-Mart store on a vacant site approximately 0.5 mile north of the proposed Warm Springs BART Station. As shown in the DSEIR (see Figure 3.5-5, page 3.5-10), there are a number of undeveloped or underdeveloped parcels in the station area. The 34-acre station site is vacant as is an adjacent 36-acre parcel. Altogether, over 200 acres in the proposed Specific Plan study area are vacant or underutilized. This relative lack of development provides the opportunity to develop large-scale transit-oriented development projects around the station site.

The BART Board of Directors sets parking policy for the District. Parking replacement ratios for TOD could be changed if the Board chose to do so. The proposed Warm Springs Station includes a 2,040-space parking lot, but the station site—including the parking lot—is designed to be flexible in order to accommodate a parking structure in conjunction with transit-oriented development. This possibility will be explored during the Warm Springs BART Area Specific Plan process.

The Proposed Project is not subject to the Federal Transit Administration's (FTA's) New Starts requirements. Although the cost-per-new-rider calculations for FTA New Starts projects are not required for the Proposed Project, which is not a New Starts project, the cost per new rider for the Proposed Project is estimated to be $26 to $29 in 2025 based on FTA New Starts criteria. This range is generally comparable to the cost per new rider for the BART San Francisco Airport Extension project.

Additional redevelopment and land use intensification that is anticipated through efforts by the City of Fremont (with BART's cooperation and assistance) but not yet included in the Alameda County Congestion Management Agency's (ACCMA's) model was not included in the DSEIR. As a result, the reduction in vehicle miles traveled and resulting benefits discussed in the DSEIR represent anticipated benefits of the Proposed Project ***without*** transit-oriented development in the vicinity of the stations. Accordingly it is not necessary to require the implementation of such projects before the benefits identified in the DSEIR can be realized by construction of the Proposed Project. See the response to comment 16-d.

A discussion of fare subsidies is a policy discussion for the BART Board of Directors and is beyond the scope of this SEIR.

26-2 The increase in regional vehicle trips between Alameda County and northern Santa Clara County is estimated to increase to 500,000 by 2025, a 25% increase. Increased BART ridership alone cannot be expected to close this gap.

26-3 See the responses to comments 4-4, 16-1c, 16-1d, 16-2 and 26-1. The City of Fremont has anticipated the BART alignment for over a decade, and has made efforts to retain adjacent land opportunities in advance of final approvals. The *Fremont General Plan* illustrates the transit corridor, references the Warm Springs BART Area Specific Plan area, and otherwise sets the framework for forthcoming transit efforts.

26-4 The operating cost of the proposed Bus Alternative is estimated to be $4 to $4.5 million annually, see the response to comment 4-1. This estimate is based on the number of revenue hours required to maintain the level of service described in the operating plan for the Bus Alternative (page 5-20 of the DSEIR) and is for the Fremont BART Station to Warm Springs Transit Center segment of the Bus alignment only. If the Bus Alternative were implemented, then AC Transit and VTA would be the most appropriate agencies to operate the service, assuming that one or both agencies undertook the project and funding was found. (Also see the response to comment 4-4.)

The 25% increase in auto trips by 2025 is related to regional auto trips between Alameda County and northern Santa Clara County. It is unrealistic to expect one transit project to materially reduce the traffic increase expected by 2025.

26-5 Comment noted. The DSEIR does consider the BART System Expansion Criteria policy, and in fact incorporates the substantive goals of the policy into the goals and objectives for the Proposed Project. The DSEIR acknowledges that the proposed Bus Alternative requires less capital investment and lower operating and maintenance costs compared to the Proposed Project. See DSEIR page 5-67. Other transit alternatives may offer better cost effectiveness on a dollar-per-new-rider basis, but cost effectiveness is not the only measure of performance to be considered in assessing the overall effectiveness of a project. The DSEIR concludes that the Bus Alternative is not as effective as the Proposed Project in maximizing new transit trips or in providing the associated environmental benefits of reduced traffic congestion and energy consumption and improved air quality.

The DSEIR also considers the System Expansion Criteria with regard to commitment to transit-supportive growth and development. Regarding the City of Fremont's commitment to transit-oriented development, see the responses to comments 4-4, 16-1c, 16-1d and 26-1. The proposed Bus Alternative is considered much less likely to foster development around the proposed station sites than is the fixed-rail investment of the Proposed Project. See DSEIR page 5-35 and the responses to comments 4-4 and 13-1.

26-6 The Warm Springs Station is designed and located so as to be a multi-modal transfer station that bus providers can also use as a bus-to-bus transfer point. Access does not require extensive and unnecessary travel for buses. Bus service providers have indicated that they would realign bus routes to take advantage of the multi-modal nature of the station. Car sharing is a growing component of station access. The station plans presented in the DSEIR are conceptual and can be refined to accommodate car sharing.

26-7 Carpooling was inadvertently left off the access hierarchy description for the Irvington Station. Page 2-40 has been revised to add a bullet to the list of items. The new item reads, "Carpool, single-occupancy vehicle parking, and parking for the disabled." The number of parking spaces at Warm Springs Station is assumed to be the same regardless of whether the optional Irvington Station is built. If the Irvington Station is built, it will reduce the parking demand at the Warm Springs Station. (See Table 3.9-18 for parking supply and demand with and without the Irvington Station.)

26-8 The SVRTC project is described in Section 3.1 of the DSEIR as one of the projects considered in the cumulative impacts analysis in the DSEIR. The cumulative analysis, which includes the SVRTC project, is discussed at length under each individual impact area in Chapter 3 of the DSEIR (for example, biology, land use, aesthetics, etc.). An extensive cumulative transportation analysis that specifically addresses the SVRTC project together with the Proposed Project appears in the DSEIR on pages 3.9-68 to 3.9-76.

Page 5-13 of the DSEIR discusses commuter rail lines in the project area. The Altamont Commuter Express (ACE) serves the Tri-Valley area and Central Valley, but does not serve the north-south East Bay commute corridor. The Capitol Corridor system provides service north to Sacramento and south to Gilroy, but is relatively inaccessible for many commuters. It only has five stops south of Richmond and misses the population centers and other key destination centers that BART serves. As noted in the response to comment 26-1, the project's cost per new rider would be $26-29 in 2025.

26-9 See the responses to comments 4-4, 16-1c, 16-1d, and 26-1.

26-10 Figure 3.5-1 on page 3.5-3 of the DSEIR illustrates the Planning Areas in Fremont as described in the text on pages 3.5-2 through 3.5-11. Figure 3.5-2 on page 3.5-4 illustrates the Fremont Planning Areas where the Proposed Project alignment would be located. The Planning Areas are identified in the figure legend. Figure 3.5-3 illustrates land uses adjacent to the Proposed Project alignment and does not show Planning Areas.

26-11 The Mission San Jose and Irvington Planning Areas are illustrated on both Figure 3.5-1 and Figure 3.5-2. For graphic clarity, not all street names were labeled on figures. Roberts Avenue, Carol Avenue, and Adams Avenue are all streets in the vicinity of the optional Irvington Station, west of the railroad alignment and south of Washington Boulevard. Lopes Court and Tavis Place are located in the vicinity of the proposed Warm Springs Station, west of the railroad alignment.

26-12 Local land use policies are being addressed by the City of Fremont through the Warm Springs BART Area Specific Plan and Draft Irvington Concept Plan. See the responses to comments 4-4, 16c, 16-1d, and 26-1. The policy question of whether cost subsidy issues should affect the Proposed Project's going forward is a policy decision that will be made by the BART Board of Directors.

26-13 Goals F-11 and F-14 of the *Fremont General Plan* relate to the City of Fremont's reliance on the private auto for transportation and a need to work cooperatively on regional transportation issues. The city is currently undertaking such cooperative efforts through the Warm Springs BART Area Specific Plan process, as discussed in Section 3.5 of the DSEIR and in the responses to comments 16-1c, 16-1d, 26-1, and 26-3.

The existing Fremont Station and Proposed Project alignment through Fremont Central Park are located in the Central Planning Area. The pedestrian connection plan refers to the central business district and is provided as general background information.

26-14 The *Fremont General Plan* contains numerous references to supporting a BART extension through Fremont, with stations at Warm Springs and Irvington. The city has maintained these policies for the 11 years since BART adopted the Warm Springs Extension in 1992. The city is currently moving forward on a Warm Springs BART Area Specific Plan. See the responses to comments 16-1c, 16-1d, 26-1, and 26-3.

26-15 A portion of the Proposed Project alignment is located in the Central Planning Area, and information about the central business district and central area residential situation is provided as general land use background.

Regarding the City of Fremont's commitment to the Specific Plan process, see the responses to comments 16-1c, 16-1d, 26-1, and 26-3.

Because the Hayward fault runs through Washington Boulevard, it would be unwise to have the BART station straddle Washington Boulevard. Neither Washington Boulevard nor Grimmer Boulevard has sufficient right-of-way to provide bus stops without disrupting travel lanes. In addition, the conceptual plans for the Warm Springs and optional Irvington Stations contain bus transfer facilities, both for bus-to-BART and bus-to-bus transfers. For safety reasons and to facilitate intermodal transfers, these transfers should take place at an off-street site.

The sentence in the DSEIR that states, "the Warm Springs Planning Area does not anticipate significant changes from those planned in the past," refers to the city's Warm Springs Planning Area, which is located south of Mission Boulevard and east of Warm Springs Road. The Warm Springs Planning Area does not contain the Warm Springs Station site, which is located in the Industrial Planning area. (See Figure 3.5-2 on page 3.5-4.)

As noted in the response to comment 16-1c, other transit systems have a record of locating stations in vacant sites, creating transit-supportive land use policies, and building transit-oriented development that ultimately boosts ridership. The Portland Westside MAX project is a notable example of this approach.[10]

26-16 The statement cited in the comment about a "shared vision" was intended to introduce the role of ACCMA in bringing the county's transportation needs together. The actual ACCMA policies described in that section are the "Guiding Principle" that transportation investments must be made in conjunction with appropriate land use planning with the objective of a service-oriented transit system that provides frequent, convenient, and reliable service to the major activity centers in each of Alameda County's major transportation corridors. The MTC Regional Transportation Plan's Community Vitality Goal includes the objectives of fostering new ideas for improving communities for transportation investments, and assisting with efforts to plan and implement transit oriented-development projects. The Proposed Project is considered consistent with these policies. See pages 3.5-34 and 3.5-35 of the DSEIR. BART will continue to fulfill the BART Board's policy and directives by assisting the City of Fremont's efforts to create transit-supportive policies and plans to implement transit-oriented development associated with the Proposed Project. See the responses to comments 16-1c, 16-1d, 26-1, and 26-3.

26-17 The policy question of whether cost subsidy issues should affect the Proposed Project's going forward is a policy decision that will be made by the BART Board of Directors. The issue of fare subsidies is a policy issue for the BART Board of Directors and is beyond the scope of this SEIR.

---

[10] G. B. Arrington, Jr. "At work in the Field of Dreams: light rail and smart growth in Portland." September. 1998.

26-18 The analysis of Impact LU 2 concludes that there is no significant inconsistency between the Proposed Project and applicable plans and policies of BART, MTC, and ACCMA. See pages 3.5-33 to 3.5-35 of the DSEIR.

As described in the DSEIR on page 3.5-33, the Warm Springs Station conceptual site plan is designed to be flexible to accommodate transit-oriented design at a future date. In particular, parking could be replaced with appropriate TOD in the future. Locating transit centers for buses close to the streets that the buses use rather than requiring a circuitous route to the transit center is a laudable goal. However, both the Warm Springs and optional Irvington Stations are well located as multi-modal transfer points for bus-to-bus and bus-to-BART transfers and do not require extensive and unnecessary travel for buses. Bus service providers have indicated that they would realign bus routes to take advantage of the multi-modal nature of the stations.

An assessment district is a funding mechanism that has been used successfully to capture funds for capital improvements. An assessment district in the project area may be a viable funding tool. For discussion of the City of Fremont's progress on the Warm Springs BART Area Specific Plan, see the response to comment 26-1.

The ACCMA Guiding Principle states that transportation investments must be made in conjunction with appropriate land use planning. The City of Fremont's land use planning is being undertaken in conjunction with the current Proposed Project. See the responses to comments 16c, 16-1d, and 26-1.

26-19 The number of parking spaces at the Warm Springs and optional Irvington Stations was based on the ridership model's calculation for parking demand (unconstrained) and on the site constraints. For instance, topographic site constraints would limit the number of parking spaces at the Irvington Station site to fewer than the estimated parking demand. At the Warm Springs Station site there are fewer site constraints, and the number of parking spaces is in keeping with anticipated demand based on modeling results.

BART agrees that station parking is finite, and once filled, parking lots are hard to expand. BART also agrees that feeder transit offers an access mode that is not as space dependent, as is parking. Feeder transit could be expanded in the future to serve the Proposed Project, as noted in the comment.

Parking charge policy as established by the BART Board would apply to parking at the Proposed Project stations. Parking policy could be changed by the Board to temper parking demand. Any lessening of parking demand would make onsite TOD more viable.

See the response to comment 26-18 regarding the Warm Springs Station conceptual site plan.

26-20 As discussed on page 5-13 of the DSEIR and in the response to comment 13-4, the Capitol Corridor system serves a different market with fewer stops than either BART or the ACE train. Capitol Corridor is constrained by using the same tracks as the Union Pacific freight line, which makes for a more circuitous and therefore longer trip than would otherwise be the case. The Capitol Corridor alignment adjacent to San Francisco Bay serves a different market. Much of the Capitol Corridor is also single-track line, which makes any expansion more difficult or even prohibitive in environmentally sensitive areas such as over wetlands. Because Capitol Corridor and BART do not serve the same markets, any ridership gains or loses by Capitol Corridor do not necessarily affect BART.

26-21 Direct bus service (bus service directly from an origin to a destination as described in the comment and as exemplified by the Ottawa bus system) can move large numbers of people. However, the direct bus system has drawbacks. The frequency of service is generally low because routes are tailored to a specific but limited passenger demand. Also, as mentioned in previous responses, if a bus route is changed or dropped, the former patrons often have few transit options left.

26-22 The commenter is expressing the opinion that "we have never built ourselves out of congestion" and that charting the Level of Service for traffic in 2025 is meaningless. CEQA requires analysis of potentially significant impacts using reasonable and accepted methodologies, and the traffic analysis is important to anticipate potential roadway impacts and to take action to mitigate those impacts where possible. Addressing congestion by imposing road tolls and automobile sales taxes is beyond BART's jurisdiction and the scope of reasonable alternatives considered in the DSEIR.

26-23 The project parking demand, as estimated by the transportation model, was based on unconstrained parking demand (a parking space was available for those who wanted to drive) at the proposed stations and tailored to reflect current BART parking policies, which reserve up to 25% of station parking spaces for a monthly fee.

BART parking policies are set by the BART Board and can be changed at the Board's discretion. Moreover, the Proposed Project reflects current BART policy on parking charges, social equity considerations related to the imposition of charges on inner city BART users are not at issue. An analysis of environmental justice is required by Executive Order for projects subject to the National Environmental Policy Act (NEPA), but it is not required under CEQA.

26-24 Comment noted. It is always possible that land use planning efforts by local authorities to promote TOC (such as *General Plan* amendments or zoning changes) may be rescinded at a later date.

26-25 The DSEIR does contain extensive analysis of the Bus Alternative (see pages 5-16 to 5-69 of the DSEIR and Appendix N). The Bus Alternative proposed in the DSEIR was developed with the collaboration of AC Transit and VTA, the two primary bus operators in the project area. AC Transit endorsed the proposed Bus Alternative evaluated in the DSEIR as "a well-defined project" with a "high quality analysis [that] represents a model that should be used for analyzing alternatives in other transit corridors." (See comment letter 4.) Local constraints were taken into account.

Regarding special by-pass lanes as mentioned in the comment, as described on page 5-19 of the DSEIR, the proposed Bus Alternative would be on an exclusive busway for a substantial portion of the route. In addition, high-occupancy vehicle (HOV) lanes were assumed on portions of I-680. Special by-pass lanes, on/off ramps, or expanded travel lanes on Paseo Padre Parkway were not included in the Bus Alternative, with the concurrence of bus operators AC Transit and VTA, because they do not seem reasonable at this time. Providing an exclusive bus lane on Paseo Padre Parkway between the Fremont BART Station and the bus guideway near the railroad right-of-way was considered during development of the Bus Alternative. However, providing an exclusive bus lane (without taking additional right-of-way for expanding the roadway) would require reducing the number of travel lanes for automobiles. Considering that bus travel times on Paseo Padre Parkway were relatively good, removing a travel lane for automobiles (and creating the corresponding impacts to auto travel) was considered unnecessary.

The assumption of a 1-minute dwell time is conservative for a bus system and was determined with the concurrence of bus operators AC Transit and VTA.

26-26 As illustrated in Table 5-5 of the DSEIR, the cost for the 3-mile long busway was estimated to be $54 million (2001 dollars). This is comparable to the $18 million per mile cost cited in the comment.

An exclusive busway was considered and incorporated into the Bus Alternative as described in the DSEIR on pages 5-17 through 5-20. The proposed Bus Alternative would operate on an exclusive busway in the UP right-of-way from Paseo Padre Parkway to South Grimmer Boulevard. Providing an exclusive bus lane on Paseo Padre Parkway between the Fremont BART Station and the bus guideway near the railroad right-of-way was considered by BART in conjunction with VTA and AC Transit, but was rejected as unnecessary. See the response to comment 26-25.

BART agrees that Bus Rapid Transit (BRT) systems are appropriate in certain situations, but many have also failed to live up to expectations. The commenter offers the busway model found in Miami, Ottawa, and Pittsburgh as a potential alternative to the Proposed Project. In the busway model, buses serving different local origins converge to use a common busway toward the downtown before diverting to a variety of different destinations. Use of these “direct routes” increases the possibility that the traveler can make the trip without transferring, which decreases travel time and increases convenience. In general, the commenter is correct in noting that busways offer flexibility for routing buses and avoiding transfers. However, by designing a bus transit system focused primarily on avoiding transfers, other important issues, such as frequency, network connectivity, service efficiency, and opportunities for TOD, may be overlooked.

Although busways typically feature a high number of direct routes, those routes provide infrequent or limited service. Often they serve only the peak-period downtown-bound suburban commuters effectively. Busway routes seldom operate frequently during off-peak hours when demand is much lower. Individual direct routes typically cannot support short headways since no passenger consolidation occurs and the demand on any one route is likely to be low. In addition, busways generally do not serve local needs well, even though they originate in residential neighborhoods, because of their radial orientation and limited schedules. Consequently, busways do not facilitate multiple trip patterns although they can consume a disproportionately large amount of operating resources. Thus, a transit agency may also need to operate a redundant basic local bus network to enhance overall mobility, as is the case in Ottawa.

It is impossible to design a transit system that avoids transfers altogether because passengers have multiple origins and destinations. Systems that generate the heaviest transit ridership depend on intermodal transfers between frequent, but not necessarily direct, transit routes. Transfers are less an issue if service is frequent (10 to 15 minutes or better). For instance, in Toronto, the subways intersect high-frequency bus and streetcar cross-town routes. In Chicago, the "L" trains intersect frequent perpendicular bus routes. This network connectivity results in increased ridership and service efficiency. In these and other cities, transit-oriented hubs have developed in part because of transfer activities around these stations.

The commenter is correct in noting that Ottawa's busway carries large volumes of people. According to Statistics Canada (2001 Census), transit captures a mode share of 20.8% in the City of Ottawa. However, there are also cities with intermodal bus and subway systems similar to the San Francisco Bay Area that have significantly higher transit ridership than Ottawa. For example, the transit mode share in the cities of Toronto and Montreal is 33.8% and 38.2%, respectively. Washington D.C., a federal capital like Ottawa, has a mode share of 34.7% (U.S. 2000 Census). While bus priority treatments offer some advantages, particularly when compared to conventional bus service, the busway model may not always be appropriate in every situation. Recently, Ottawa itself initiated a pilot rail project known as the O-Train as a first step towards a possible citywide light rail system.

The comment notes that Ottawa operates over 200 buses per hour during peak periods. Eight to ten BART trains can carry an equivalent number of passengers much more efficiently. Two hundred buses would require 20 times the number of operators required to provide the same capacity by rail. In addition, in Ottawa's case, the busway exits onto a pair of one-way streets downtown. The heavy bus volume poses severe traffic and environmental impacts on these streets.

From an operating network perspective, Pittsburgh's busways resemble trees with about twenty branches each. Although busway service itself is frequent (but uncoordinated) because there are multiple routes utilizing the busway, peak-hour headways on individual routes can exceed 45 minutes. During the off-peak hours, buses commonly run every 1 to 2 hours, if at all. This level of service attracts few "riders of choice." Frequencies are relatively poor because the network is not designed to serve multiple trip patterns. Travel for trips not destined to downtown Pittsburgh can be difficult. For example, customers often cannot take transit between two adjacent neighborhoods on opposite sides of the busway without transferring between infrequent routes. With dozens of long suburb-to-downtown busway routes and no passenger consolidation on the busway, Pittsburgh devotes so many resources to supporting the busway network that it only offers limited local service. Pittsburgh's overall ridership has declined since the introduction of the first busway (the South Busway) in 1978. Whereas Pittsburgh's buses carried 93.9 million people in 1978, they only carried 65.9 million people in 2001.[11] While this 30% ridership decline might not be attributable to busways per se, it suggests that busways alone are not sufficient to generate long-term transit ridership growth.

---

[11] Pittsburgh Tribune-Review, "Money Spent on Busway Questioned," April 2, 2002.

For the Warm Springs Extension, the busway model is unlikely to be as successful as a BART extension. The Proposed Project is a continuation of a 100-mile regional rail system that serves several major urban cores. The busway systems referred to by the commenter are mostly stand-alone systems that funnel into downtown areas. Consequently, the busway model suggested is not really applicable to this Warm Springs situation. It is also important to note that transfers would not be avoided in this particular situation. Transit patrons, even if they can board a bus in their neighborhood that travels directly on the busway, must still transfer to BART once they reach Fremont. It is also unlikely that local service would be improved in the Fremont area, as direct bus routes would not provide continuous east-west service perpendicular to the busway, but would instead be diverted onto the busway towards the Fremont BART Station. The experience from other cities with busway suggests that this proposal would have difficulty achieving ridership expectations and is not appropriate for the Fremont to Warm Springs corridor.

BART is a regional rail provider and the Bus Alternative was specifically designed to provide service comparable to the Proposed Project, an extension of the BART system. Local bus service is provided by other transit agencies; therefore, the proposed Bus Alternative reflects extension of a regional system, and not local service as suggested in the comment.

The comment emphasizes the flexibility of operations and convenience of a bus alternative compared to a fixed-rail BART extension. However, the commenter is also concerned about TOD opportunities. For reasons discussed on page 5-35 of the DSEIR and in response to previous comments, flexible and convenient bus service is not expected to be as effective as fixed-rail service in attracting TOD investment. See the responses to comments 4-2.

The DSEIR is not required to provide a detailed cost-benefit analysis under CEQA. CEQA Guidelines Section 15124. However, the DSEIR does provide analysis of the environmental costs and benefits for each alternative, and as suggested in the comment, describes roadway congestion, travel times, air quality, and community development potential. As noted in a previous response, the cost per new rider for the Proposed Project is estimated to be $26 to $29 in 2025, based on FTA New Starts criteria.

The commenter claims that modeling analysis produced higher estimated ridership for the Proposed Project than might be expected from other studies. BART notes that another commenter asserts that the Bus Alternative ridership is overestimated. (See comment letter 11.) As noted above, AC Transit endorsed the proposed Bus Alternative as a “high-quality analysis” that should “serve as a model for other transit corridors.”

26-27 Overall the comment is correct that, as discussed in the DSEIR (pages 5-60 and 5-61), the proposed Bus Alternative would create fewer environmental impacts than the Proposed Project and would require fewer mitigation measures. However, as described in Section 5.6 of the DSEIR, the increased transit ridership provided by the Proposed Project would translate into greater long-term environmental benefits and improved environmental quality. As patrons transfer from automobile travel to transit travel, there would be a corresponding reduction in the number of vehicle miles traveled, which would result in regional air quality improvement, energy savings, and conservation of non-renewable energy.

It is correct that BART generates more noise and vibration than buses. The Bus Alternative assumes the use of buses that are currently available, although newer production models may emit reduced air pollution and be more quiet. Currently available bus models are a source of diesel exhaust, which contains toxic air contaminants. See pages 5-52 to 5-58 of the DSEIR.

BART agrees with the commenter that attracting ridership through better development depends on how well a city commits itself to TOD policies and how well regional authorities reinforce local land use plans. This is one reason that BART is working to assist the City of Fremont on its Specific Plan for the Warm Springs Station area. The commenter suggests that busways/bus transit can generate TOD that exceeds that of rail systems, citing the experience in Ottawa. He then observes that AC Transit's Transbay bus network in the 1960s provided direct service from East Bay neighborhoods to San Francisco (similar to Ottawa's radial-oriented busway network). In fact, this network configuration has worked against TOD. Without transfers, the nodes of activity that are critical to TOD success have failed to materialize along East Bay transbay bus lines. In contrast, TOD projects have been or are being implemented around major BART intermodal stations such as Hayward, Fruitvale, and Downtown Berkeley. Such an effort would be undertaken for the Warm Springs Station as well. See the response to comment 4-5.

Regarding the Ottawa system, see the response to comment 26-26.

BART recognizes the need to increase access to its stations by non-automobile modes. As described on page 3.9-21 of the DSEIR, BART intends to work with AC Transit and VTA to increase bus service to Proposed Project stations. Other strategies may include charging for all station parking, which is a policy issue for the BART Board of Directors and is beyond the scope of the DSEIR. A reserved parking program has been established district-wide, and the Board of Directors has authorized charges for new parking facilities such as the Warm Springs and Irvington Stations.

The analyses of air quality impacts of the Proposed Project and the Bus Alternative take into account trip duration and parking availability. Overall, the analyses demonstrate that the proposed Bus Alternative would result in a reduction in mobile source emissions compared to the No-Project Alternative, but not as much of a reduction as the Proposed Project. See page 5-58 of the DSEIR. BART's current parking charge policy is also reflected in the model.

Letter 27

RECEIVED
APR 09 2003
STATIONS CAPITAL PROGRAM
TRANSIT SYSTEM DEVELOPMENT

Richard —

just received my notice about the Warm Springs Extension meeting - April 14th.

Why is Irvington Station always refer to as the optional. We who live in the area, and shop in the area and will be affected by the Irvington station – WANT the station. It will be a true walking neighborhood when the station is in. Please let your committee know Irvington wants the Irvington Station. 27-1

Mark Nelson
3216 Bruce Dr.
Fremont Ca 94539

Response to Comment Letter 27 (Mark Nelson)

27-1 Comment noted. BART appreciates the commenter's support for constructing the optional Irvington Station. As described in Chapter 2 (*Project Description*) of the DSEIR, the Irvington Station is optional because funding for the station has not yet been secured. The City of Fremont is currently investigating an amendment to the 1998 Redevelopment Plan that could contribute funds to the construction of the Irvington Station, which is considered a significant component of the redevelopment effort for the Irvington area.

Letter 28

MAY 09 2003
STATIONS CA[illegible] PROGRAM
TRANSIT SYSTEM DEVELOPMENT

Chien-Pang Kung
41001 Valero Drive
Fremont, CA 94539

May 6, 2003

Dear Sir,

I am writing to you to strongly express my concern about BART extension project. I
looked at DSEIR very carefully but couldn't find any pages addressing the impact to
Hayward fault due to this project. As you probably knew, Hayward fault is very close to
my home which is also very close to proposed BART extension. But failing to address on
this issue, I think this DSEIR should be deemed incomplete. Besides the issue about
Hayward fault, this BART extension certainly will destroy the environment because of 28-1
noises. Take my street for example, the existing noise level is around 56dB but once this
extension is done, the noise level will jump to over 80dB. How could you expect
anybody to endure such hardship? I think No Project Alternative or a Bus Alternative
should be the best options for everybody provided the economy in Silicon Valley is in a
dump right now. All I can say is this project can't convince me that it will benefit
everybody or most of people. Thanks for your attention in this matter! 28-2

Sincerely,

Chien-Pang Kung

Response to Comment Letter 28 (Chien-Pang Kung)

28-1 Section 3.1.3 of the DSEIR explains why certain issues that were analyzed in the 1992 EIR were not further analyzed in the 2003 SEIR. Among these is the issue of geology, soils, and seismicity. As described on page 3.1-2 of the DSEIR, the information provided in the 1992 EIR still accurately characterizes the regional geology of the Proposed Project alignment. Further, there have been no changes to the project or in the setting that would result in additional impacts beyond those disclosed in the 1992 document related to geology, soils, and seismicity. Mitigation Measures 1A through 1F, identified in the 1992 EIR to address project geological, soils, and seismic impacts (see 1992 MMRP, Appendix B of the DSEIR) continue to apply to the Proposed Project and will be implemented with construction of the Proposed Project. The 1992 EIR did find a significant and unavoidable risk of harm to people and property in the event of a ground rupture where the alignment crosses fault traces in the Hayward Fault Zone. The 1992 EIR found that this risk could be reduced by implementing BART's seismic design criteria and emergency procedures, complying with Uniform Building Code and Alquist-Priolo Special Studies Act requirements, and performing investigations to identify the precise location of the Hayward fault and secondary faults near the Irvington Station prior to final design. These mitigation measures are incorporated into Mitigation Measure 1A from the 1992 EIR, which continues to apply to the Proposed Project.

28-2 The projected noise levels at 41001 Valero Drive from the BART vehicles are Lmax = 70 dBA and Ldn = 60 dBA. The total noise level (measured existing noise plus projected BART noise) is projected to be 61 dBA Ldn.

The commenter's reference for the No-Project Alternative or the proposed Bus Alternative due to current regional economic conditions is noted. As described in Chapter 5 (*Alternatives Analysis*) of the DSEIR, the Proposed Project is expected to provide greater benefits than the No-Project and proposed Bus Alternatives in terms of ridership, congestion relief, air quality, energy, and opportunities for transit-oriented development.

Letter 29

BART
P.O. Box 12688
Oakland, CA

Phone: (510) 476-3900
www.bart.gov

BART WARM SPRINGS EXTENSION
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
PUBLIC HEARING COMMENT CARD

Thank you for your interest in the BART Warm Springs Extension. Your input and participation is encouraged and appreciated.

(Please print clearly)

Name: Ali Pirooz **Date:** 4/14/03

Address: 1441 Valdez way

Fremont CA 94539

City State Zip

Home Phone: (510) 623-7367 **Work Phone:**

Area Code Number Area Code Number

Email: **Company:**

Organization or Affiliation

I would like to make the following written comment:

describe maximum noise passby noise + vibaration
Station 2280 + 2290 29-1

You can hand in your completed sheet to a project representative at the Public Hearing or you may mail it.

Feel free to send in additional sheets.

Comments must be received by 5:00 p.m. on May 9, 2003.

Please fold this form in half and seal with tape before mailing.

Response to Comment Letter 29 (Ali Pirooz)

29-1 The alignment between Station 2280 and 2290 is projected to be over 400 feet from the nearest residences. In addition, the alignment in that area would be in a tunnel, so the residences in the area would not be affected by noise. Also, the vibration levels at this location would be below the threshold at which humans typically feel vibration.

Letter 30

~~RECEIVED~~
~~BART~~
~~APR 9 - 2003~~
~~TRANSIT SYSTEM~~
~~DEVELOPMENT~~

RECEIVED
MAY 09 2003
STATIONS [illegible] PROGRAM
TRANSIT SYSTEM DEVELOPMENT

May 9, 2003

San Francisco Bay Area Rapid Transit District
Attention: Richard C. Wenzel, WSX Environmental Director
P.O. Box 12688, MS 1KB-6
Oakland, CA 94604-2688

Subject: Draft Supplemental Environmental Impact Report Proposed BART Warm Springs Extension

Dear Mr. Wenzel:

I am opposed to extending the BART system further in a region where the planning process is not capable of guaranteeing that new growth will provide the new traffic necessary to justify the high construction and operating costs. The Smart Growth, New Urbanism, transit-oriented and pedestrian-oriented developments we hear so much about are not mandates, but merely attempts to lure developers to provide infill development with taxpayer-provided incentives. These developers can still find opportunities to put their housing, retail shopping centers and office parks in places that are inaccessible and dysfunctional for those who cannot, should not or choose not to drive.

Unless we can find a way to prohibit urban and suburban development that is "off limits" to those who don't drive it is unlikely that new BART extensions or other new rail construction will ever attract sufficient new riders to justify the expense. More flexible bus services should be considered if present development patterns cannot be changed. 30-1

In the 1950s we began construction of a huge federal "public works" project which has signs posted at every entrance reading: "Pedestrians, bicycles and non-motorized vehicles prohibited." Since then elected decision-makers have had no concerns about approving new development for motorists only, despite the fact that driving a motor vehicle on a public road is a privilege, not a fundamental right equivalent to our right to travel. Before spending huge additional sums on our transportation infrastructure those who call themselves "transportation experts" or "planning experts" should consider whether such development is in violation of our constitutional guarantees of equal protection and our right to life. This is a particularly serious matter when we consider how much new development has offered so many of us no option but dependence on modes of transportation so dangerous that they require seat belts, air bags or crash helmets.

Sincerely,

Art Weber

Art Weber

Art Weber • 2918 San Mateo Avenue • El Cerrito, CA 94530-3422 • (510) 524-0882 • e-mail: artwlweb@global.net

Response to Comment Letter 30 (Art Weber)

30-1 BART agrees that high-density development should be the goal for the areas surrounding BART stations. It is BART's policy to encourage transit-oriented development surrounding new BART station locations, including the proposed Warm Springs and optional Irvington Stations, as an alternative to "auto-oriented" development and urban sprawl. See the responses to comments 16-1c and 16-1d. As discussed in the response to comment 13-1, a fixed-rail transit such as BART is considered more likely to attract investment in transit-oriented development than more flexible bus service.

"steve.vanpelt@hp.com" <steve.vanpelt

05/09/03 02:41 PM

To:"webcustomerservices@bart.gov" <webcustomerservices@
cc:
Subject:Rider Feedback from: Steve Van Pelt

Name: Steve Van Pelt
email: steve.vanpelt@hp.com
phone: 650-224-2856
City: Menlo Park, CA 94025

Subject: Warm Springs EIR feedback
Feedback: Having trouble navigating back to ES for Warm Springs.
My comments are:
Maps somewhat out of date and incomplete. Map on ES-2 from 2003 shows Regional Rail interconnect at SFO (not yet open) but does not show the same for Union City or Oakland Coliseum. Map on pg 5 from 2002 incorrectly labels ACE route. ACE goes East just north of Mowry, label would be correct if it said Capitol Corridor. I think Regional interconnects of any kind are very significant and wish your graphics were more complete and accurate!! 31-1

Response to Comment Letter 31 (Steve Van Pelt)

31-1 Figure ES-2 in the DSEIR incorrectly labeled the Capitol Corridor intercity rail service alignment as the Altamont Commuter Express (ACE) alignment. The incorrect label is hereby changed to Capitol Corridor in this FSEIR, and the revised figure is included in Section 3 of this FSEIR.

BART provides for connections to intercity and regional rail facilities as indicated on Figure ES-1 in the DSEIR. The BART San Francisco Airport Extension, which includes an interconnection to Caltrain at the Millbrae Station, will be in service on June 22, 2003.

Letter 31A
RECEIVED
APR 1[illegible] 2003

Patricia Snow
C & K Properties
2563 Abaca Way
Fremont, CA 94539

April 9, 2003

BART/Warm Springs Extension Project
Attn: Richard Wenzel
MS 1KB-6
P O Box 12688
Oakland, CA 94604-2688

RE: 2878 Prune Avenue, Fremont

Dear Mr. Wenzel:

I spoke with you at the scoping meeting March 25, 2002. At that time, you assured me that BART wouldn't need to take a slice of our property at 2878 Prune Avenue, Fremont. You showed me the proposed design that has the BART tracks completely on the other side of the drainage ditch and at grade level instead of elevated.

I just received the notice of the public hearing April 14, 2003. I will be out of town that week so I am submitting my concerns now. I went to the library and looked through the Draft Supplemental Environmental Impact Report. I came across some information that disturbs me.

Appendix L - Potential Displacement Tables from 1992 EIR, dated June 25, 1991. There are only four pages in this section. Table C-2 - Corridor Potential Displacement lists our property at 2878 Prune Ave. as an industrial complex with the tenants names listed at that time.

My question is: How would this information be used now since the rail alignment has changed? Why was this information even included in this DSEIR? I want to be assured that BART will not design a plan that takes some of our property. My phone number is 510-651-8370. 31A-1

Very truly yours,

Pat Snow

Patricia Snow

Response to Comment Letter 31A (Patricia Snow)

31A-1 The information presented in the DSEIR supersedes information presented in the 1992 EIR and at the March 25, 2002 scoping meeting, which was prior to the commencement of preparation of the DSEIR. The purpose of a Supplemental EIR is to update the information in a previous EIR, based on changes to the project, changed circumstances, and new information that was not previously available. The list of potential displacements from 1992 (Appendix L of the DSEIR) was included in the 2003 DSEIR for comparison with Table 3.6-8 (page 3.6-14 of the DSEIR), which lists the displacements required for the current Proposed Project. Some displacements listed in the 1992 table for the 1992 Adopted Project are still applicable for the Proposed Project.

The graphics presented at the scoping meeting were for illustrative purposes only and were intended to show the general project alignment as anticipated at that time. In the year between the scoping meeting and the release of the Draft SEIR in March 2003, the alignment underwent refinement and the current alignment for the Proposed Project is more precisely illustrated in Figure 2-4 (pages 2-9 through 2-14) of the DSEIR.

As the commenter notes, the Proposed Project alignment in the vicinity of 2878 Prune Avenue is at ground level with tracks slightly higher than the existing railroad tracks, and not on an aerial alignment as was the case for the 1992 Adopted Project. As shown in Figure 2-4e of the DSEIR, the BART tracks will extend over the top of the drainage ditch and enter onto the property at 2878 Prune Avenue. As indicated in Table 3.6-8 of the DSEIR, based on the Proposed Project alignment, the property at 2878 Prune Avenue will be affected by the Proposed Project. Three business displacements at the property are listed in Table 3.6-8. As indicated in the table, full displacement of two of the businesses may be necessary, with a partial displacement of the third (access to rear of business will be reduced).

PROPOSED BART WARM SPRINGS EXTENSION
PUBLIC HEARING
FOR COMMENTS ON
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

ORIGINAL

Monday, April 14, 2003
Parkmont Elementary School Auditorium
2601 Parkside Drive
Fremont, CA 94536

Freddie Reppond, Reporter

CLARK REPORTING
2161 Shattuck Ave., Suite 201
Berkeley, CA 94704
(510) 486-0700

APPEARANCES

BART:

Tom Blaylock

Richard Wenzel

JONES & STOKES:

Austin McInerney

PUBLIC (in order of speaking):

Douglas Bazzone

John Cameron

Arnold Mammarella

Steven Cooper

John Kimmer

Norman Howard

Gloria Olsen

Ken Price

Lesley Payne

Craig Mao

Spencer Holmes

MR. MCINERNEY: San Francisco Bay Area Rapid Transit System welcomes you tonight to the hearing that we're going to have on the draft supplemental environmental impact report for the proposed Warm Springs extension.

My name is Austin McInerney. I work with an environmental consulting firm named Jones & Stokes that is assisting BART with this planning process.

We'll provide you with a brief overview of what we're going to do tonight with this hearing and how we will conduct the actual public comment portion and give you just a quick overview of the agenda before turning it over to the BART staff.

So does everyone have a copy of the agenda? If not, show your hands. We have got some around here, just some information. We'll have some in the back in a moment.

In addition, there was a comment form that was available. If you don't have one, that's okay, but be sure and pick one up before you leave tonight, because it does have the address to mail your comments and questions about BART.

There's also a comment card if you're planning on speaking tonight. We're trying to get a sense of how many people will speak. If you will, fill one of those out, if that's okay. It looks like it's not as big a turnout as we thought, so there will be plenty of time for everyone to talk.

First of all, what is the purpose of the hearing? Really, there's two main purposes. One is to provide you all with an update on where this project is at and to learn a little bit about the project. And we have some graphics, so it looks like a lot of you have taken a look to get a little more educated about the project.

As you recall, or maybe not, this project has been under way for quite some time. It originally -- I think it goes way back, even to the late 1970s in the earlier planning, but it really got going about 10 years ago and was designed to a point where BART was considering going forward with the project; however, because of some funding difficulties, the project didn't go past the planning stages.

So time went by; bond measures were passed; funding was secured. And the project has come back and is a slightly different version. That's what drove the need to do a supplemental environmental impact analysis to see what the range of impacts were going to be so that the board of directors for BART can make an informed decision.

That process started about a year ago today, when we held a scoping meeting at the Fremont Main Library. Many of you might have been there. That meeting was directed towards generating comments and concerns that the public had that BART needed to go and analyze and present in this supplemental environmental impact report.

That document has been completed and published. Many of you were looking at it in the back of the room, or maybe you've seen it elsewhere. It's also at the local main libraries and, of course, at the BART headquarters.

This meeting, the second public meeting in the overall process, is geared towards receiving comments and questions that the community has on what's in that draft document.

And this is not -- I want to reiterate -- tonight is not the only chance you have to provide comments. It is one format. And we have a court reporter who is recording your comments, because each one of those will be responded to in the final environmental impact analysis, or report. However, if you haven't had a chance to look at the document, which is very likely considering tax season is here and the document hasn't been out that long, you have until May

9th to review it and provide written comments on the document.

If some of you want a copy, it is available both in CD-ROM version that you can use on your own computer or in a hard copy. And they are very expensive, so we're trying to ask people to look at the computer version on line and CD-ROM, if preferable. However, they are available. You just need to request one, and we have a sign-in sheet on the back table for you to request a document.

So a little bit more the second and really most important reason for tonight is to hear from the community. What are your concerns about this project? Specifically, what did you read in this draft document that you don't understand or you're questioning, some of the findings that are in it, some of the methodologies used to do the analysis? We want to hear questions. And, thus, the majority of the meeting is being focused to allow people to raise those questions.

However, before we do that, we are going to have a brief presentation and some words from the BART board of director member from this area, Director Blaylock.

MR. BLAYLOCK: Good evening. Welcome to this continued public hearing, if you would. As indicated, we had our opening a year ago in March at the Fukaya Room and got it started; and it resulted in the draft supplemental that's on the back table. It's about that thick. If you haven't looked at it yet in the executive summary of the top of it, there is quite a list of compilation of comments today and several answers. So you might look through there and find that your question may have been addressed in some way. So we're seeking those comments.

I want to acknowledge the presence of council member Steve Cho in the back, with his hand up. Thank you for coming, Steve.

And also Dawn Arbuello, representing Supervisor Scott Henry, right behind Steve in the next row back. I think that's all the elected officials who are here tonight.

We have quite a few BART staff members. Could all the BART folks put their hands up, please? Quite a few. They have all had a hand in this process so far, and you should seek them out with questions or comments.

Also, we've got representation from Santa Clara County, their Valley Transportation Authority. There are three or four people here.

Okay. I think with that we're ready to go.

Dick Wentzel is our honcho on the project and the project engineer, so he's going to take the ball from here and give you some input.

MR. WENTZEL: Thank you, Tom. I'll give a little tour objectively about the project, just to remind you of what we've been analyzing for the last year. And also I should ask for a show of hands from City staff. There are a lot of City staff. Afterwards, there may be some questions of City staff, too.

Great. Thanks. Okay.

Now, real briefly. I'll make this brief so I can get you up here.

This is the existing BART station here [indicating] right on the north side of Walnut. The general alignment for the proposed station extension would be past Walnut and Stevenson, under Stevenson, under Lake Elizabeth, under the park, under the first railroad tracks in the west, coming up between and moving southward between the railroads -- actually, this current alignment is going to be on the railroad track after we pass Paseo Padre Parkway, so we'll pass through Paseo and Washington Boulevard here.

There's an optional Irvington station, and you follow the railroad alignment straight through Warm Springs past Auto Mall Parkway, Railroad Boulevard. The station is sited in the southeast quadrant of Railroad and Washington Boulevard. There will be a tail track component where we'll turn our trains around. And there will be a small maintenance facility right at the end of the tail track.

Okay. Well, like this example, if you were here looking around it gives us a chance to show how the project has changed. In 1992, the project was different. The BART board adopted the project. It was a little bit of a roller-coaster ride.

We have straightened out the alignment to a certain degree. Here's the 1992 limit for the project, and here's the current 2002 project. In the opening part, where BART's coming off an embankment at the Fremont station and crossing over Walnut Avenue, we have aerial. It has to be, so both those proposed projects are aerial.

Then the difference comes with the original 1992, which has us going aerial over Stevenson and aerial over the park and aerial over the railroad right-of-way then settling down in between. The currently proposed project has us going under Stevenson, under the railroad track. So that's a significant difference in the project right there.

The original project also had us parallel to two railroads all the way down. There are two railroads that were presumed to be in existence and we were going to fit in between. What has happened is now the easternmost railroad alignment or railroad tracks are actually being purchased -- have been purchased -- by the Valley Transportation Authority of Santa Clara; and we will be acquiring from them the Fremont portion for the Warm Springs extension. And so we will now be on the railroad tracks on the eastern side, so that's a different part of the project. We have more flexibility in there.

The other difference is that right here, the Paseo Padre Parkway, the City is putting in during the design phase a grade separation. The Paseo Padre Parkway will go under the existing railway, so BART will now be able to be at grade. That is a really positive part of our project.

Then coming into the Washington Boulevard-Irvington area, we were going to be aerial coming into there. We will now be at grade. We are going to go under Washington Boulevard. You see below grade here at 92, but the other part of the grade separation project has Washington Boulevard elevated. Also, it will be a flyover coming down off the hill over the top of the tracks. Now BART can remain at grade again, so we will be that way through the Washington

Boulevard area, through the Irvington area. And we were going to be aerial coming into there, and we'll now be at grade. We were going to go under Washington Boulevard, but the other part of the grade separation project has Washington Boulevard being grade-separated, also. And we'll be a flyover, coming in off the hill over the top of the tracks.

So now BART can remain at grade again, so we will be at grade through the Washington area, through the Irvington area. And then you'll have at-grade area through the Irvington area; and then we'll have a section not really on railway track as opposed to the railroad track right-of-way beside. That was what was planned originally, but in the original plan since we were between a railroad we were going to have to rise up in an aerial configuration and go over the east and drop down to the Warm Springs station site, which would have been right in this section here.

We don't need to do that now, because we're on the railroad right-of-way and at grade. And in the final portion it's the same for both at grade, but the entire project now, after the park, is at grade, as opposed to aerial below, at grade, aerial below, and at grade, which makes it a lot better project.

You've seen the boards if you got here early enough, but I'll give everybody a quick review. This is the conceptual plan for the Warm Springs station. Here's Warm Springs Boulevard, Osgood Road; here's Grimmer. There's Warm Springs Court.

So the station platform is right here. It's a one-sided station, and we have buses that will come right into this area in here -- the shelter. The regular buses that are not shuttles will circulate in and out of the station. Here we have an American with Disabilities Act -- ADA -- parking over here and mid-day parking. Regular parking is further out. Two intersections will be lighted. And then the Warm Springs Court out here on Warm Springs Boulevard will have a signalized section here, also signalized.

This is a conceptual view of the station, just to give you a different look at it. We are up back to Grimmer, looking southward. Here's the BART platform which has trains on both sides. You will come across. This is the shuttle area. You drop down into the main part of parking lot, what we call the pavilion, and the parking is in the area right here. This gets you up to the top so you can drop down on either side.

We had a visual simulation. This is not necessarily the way it is going to look. This is the way it could look. We're just trying to give everybody a sense of what could be out there. This is our first concept of the layout.

This is one of the signalized intersections out on Warm Springs Boulevard. We are looking northwest.

The Irvington concept plan for a station -- let me focus you here. This is Driscoll; this is Osgood Road, Washington Boulevard, Roberts Avenue, and Bruce Drive. It's a two-sided station. Here's the platform. We have the existing UP railroad on the west side would be coming right through in this area. I'll show you in a cross-section in a minute.

On this side we have a circulation where taxis and dropoffs occur; ADA parking, and mid-day parking right here. On the east side we have the bus bays, mid-day parking. The regular parking will be over across the street. We have a walkway across. And taxis and dropoffs will be right here and dropoffs right here, so this is a pretty well-designed station for a very tight area.

Here's your section plan. We are back to the north, looking south. Here comes the UP right-of-way. So over here, this is more towards the Irvington downtown and crossing over the existing railroad right-of-way and drop down to the side platform. You can come in this area with parking and buses. Here's Osgood Road. This is across the street where there's parking drop-offs and you can walk on the walkway across to the platform.

Here's another simulation of the concept. Not necessarily looks like this, but this is our best shot at it, just to give you a sense of what it will look like. This is your back is facing south. You're looking northward. This is Osgood Road.

Now, in the environmental assessment we are required to look at the no-build alternative; and we also have looked at a bus alternative, which is called the bus rapid-transit alternative, which will make use of as much of the same corridor as possible.

The railroad corridor is to be our key, because it will be pretty much the same flow straight up through the spine of the corridor. I'll show you with the next slide that we can take the buses through area effectively through the park, so then buses would move on through the Paseo Padre Parkway to make it a viable alternative. So let's take a look at that.

Fremont BART station. You come up outside the station, and you follow Walnut Avenue to Paseo Padre Parkway, and you'll move down to Stevenson, where there's the first bus stop here. There will be a minimum of bus stops to keep the speeds up for the buses. There will be signal preemptions, meaning that when they travel down Paseo Padre Parkway, that they will have priority all the way through, but they will be in the Paseo Padre Parkway corridor so that they will go around the park with, as I said, there will be a stop right here at Stevenson.

And at this point, where they come into the railroad alignment, the buses will rise up on an overpass out in the center lane and they will move into the railroad right-of-way. And those that will come over the railroad right-of-way will do the same, rise up, and come up over the Union Pacific, which is still active, so when they go up and over and settle down into the corridor with the railroad track to the east. So then you're actually now in a free-flow bus mode just like BART, where there's no -- you're separated from all the other traffic.

The first stop then would be at the Irvington station site and will presume the same footprint for parking. We'll have parking that'll access the bus corridor and then down Auto Mall Parkway, where we have a bus stop, and then moving into the Warm Springs station site, which is now the Warm Springs transit center site.

There will be a large parking lot also. It's a little hard to see in this lesser light, but there's a green line showing the AC Transit route. We follow the AC Transit route and move over on Grimmer over to the Auto Mall Parkway area, where there's one final station site or bus stop. The VTA buses would come down and serve the Warm Springs transit center, then move out on to Warm Springs Boulevard and go east on Mission Boulevard and get on I-680 and head towards Santa Clara.

Okay. All right. That's just trying to refresh your memory on what we've been talking about and analyzing. This is where we are. We're in the public comment period and we need your comments tonight. We need your written comments right on through May 9th. We will be addressing those. You can write to me at that address. We will deal with all those questions and come up with the answers, and we'll be glad to have them. We will make it a better project.

And then I would like to go to two other subjects real quickly. One is vibration. And I know there are concerns. As you read the document, the document says it described the vibration impacts aw potentially significant and unavoidable. That's in the document, and basically that's because we will not know the answers to whether they are significant or not until we do our final design analysis, because the vibration impacts as well as mitigation measures that we intend to employ are site-specific, very detailed site-specific. So as we get into our final design engineering we will be able to answer this question. Because we're not able to come up with site-specific results, we're required to just announce to you that there's a potentially significant unavoidable impact. Our intent is not to avoid dealing with it; in fact, to the contrary. We will use all of our ability, all of our exploring analyses to identify mitigation measures. And we will implement all the reasonable available techniques we have to make sure that we do eliminate as much as possible, but at this point we cannot say that they will all be washed away.

So we have identified a couple of techniques. They are called resilient railroad ties, where there's rubber cushioning around the rails. There's ballast mats. There's location of special track work. There's all sorts of things like that that you can employ. And we intend to do that. We will define that better in the final design. That's our intent.

One other thing. When we pass through the environmental stage and move into design and then proceed to construction, we're going to have a community relations team on board that will be available to the public at all times through the construction program. You're going to have questions. You're going to have needs for answers. We want your input. We want your feedback. We will address those issues. We have done this with all of our projects, and we not going to do anything less than that for the construction phase.

I think we are ready for your comments now.

MR. MCINERNEY: Thank you, Dick and Director Blaylock. We'll be reminding you, if you need them, the restrooms are in the building behind us around the corner.

I think the presentation was helpful to walk people through the alignment. Now, it's really the main purpose of tonight to hear from you all. I want to get a sense of how many people would actually like to speak tonight. A show of hands maybe.

Okay. I don't need to go into great depth about the amount of time for you to speak. There will be plenty of time. I do want to remind you of a couple points. On the back side of your agenda for tonight. You might just turn that over real quickly. We had originally put together a couple of points to help move the meeting along efficiently. I just want to call your attention to some of these.

If you can, limit your speaking to three minutes or less. But with the number of people, we want to be sure that everyone gets to speak and get their points out, so we won't be too concerned about that. To the best of your ability, focus your comments on specific issues that you read in the draft document and questions related to that, because BART staff needs to respond in revising and preparing the final document; and they want to be as direct as possible.

Sir, did you have a question?

MR. KIMMER: I want to be clear on this railroad track, the Santa Clara Valley Transportation Authority has acquired. How -- I couldn't understand -- are we buying it from them or is BART buying it from them or what?

MR. MCINERNEY: Let's entertain that as a comment that you would have, and please restate that once we start the public comments. I was thinking more along the lines of if you have a question regarding how we are operating tonight, so we will get to that. That's a real good question.

Again, try to be as specific as possible, as this gentleman is. Raise a question about something you've heard tonight and you would like to hear a response to.

I want to reiterate that this is not going to be a back-and-forth dialogue. Staff are not in a position to answer every question that you have tonight. It's really to set the stage for the work that the team that's working with BART staff to analyze in greater depth and provide in its final document. However, there might be some clarifying questions that staff might be able to answer anyway, if possible. So let's just take turns, be respectful of one another. I have collected a couple of cards that people filled in. I will call those folks first. Then we'll just show our hands and we'll go through.

Now, as I stated earlier, we do have a court reporter and we have a podium and microphone. When you come up to speak, I ask that you state your name clearly and if it's potentially a difficult name to spell it. Please spell so we can record it accurately.

With that, I don't have any other introductory comments. I did just want to reiterate what we said a couple of times: All of the comments that we received tonight and in writing by May 9th will be the basis for the final environmental analysis assessment that's prepared. So don't feel that if you have not reviewed the document and feel you need more time, by all means take it. You can request a document. Be sure to fill in your request if you like before you leave tonight if you like. Go to the BART website, download the document, review it there. It's also at the main library here in Fremont, Union City, and, I think, Newark; so the documents are out there. We encourage you to take a closer look and raise questions.

UNIDENTIFIED SPEAKER: If we make a comment tonight, do we need to follow that comment up in writing?

MR. MCINERNEY: The gentleman asked if you raise a comment tonight do you need to follow up in writing. The answer is no. Tonight's hearing serves as a formal hearing. Thus, the court reporter here is recording all questions that are raised, and they will be transcribed and serve just as if they were mailed in, so you do not need to reiterate in writing.

That raises another issue. If you hear someone speak tonight who raises the same question that you are going to ask, you are welcome to restate it, but you don't need to. It will be part of the record and be responded to. It might generate another idea that you have and generate another question, so feel free to raise that.

Any general questions about how this works tonight? If not, I'll call the first name here, and we'll hear from you.

1 MR. BAZZONE: Douglas Bazzone. I have two comments. One is regarding radio interference. I live on Valero Drive in the Las Cancitas community. And the tracks, as proposed, would come about 50 to 60 feet from my back door and I'm concerned that the electrical engines will disrupt my TV reception and possibly cell phone.

2 My second comment is whether different proposals were given regarding the section of the property that is between Paseo Padre to the north and Washington Boulevard to the south, whether that could be retranscribed [sic] and the tracks moved a little bit further away to the community that lies to the east. That's it.

3 MR. CAMERON: Good evening. The name is John Cameron. I'm a Hayward resident. First of all, I want to constructively tell you and bring to your attention in your statement here where your document is available to be seen is 1000 Broadway, not Lake Merritt, 800 Madison Street.

4 Second thing: I only at 3:00 o'clock did know of your documents, but I did read about today's public meeting through the Daily Review in Hayward.

There are about half a dozen corrections to the document as we speak. I only seen it. I will be sending in corrections.

One of the corrections is you have the Route 253 running into your Warm Springs area. The current Route 253 only runs from Fremont BART to Centerville BART station [sic]. That is connected with the ACE Train. Trust me. AC Transit is getting ready to cut this 253 route. It's only been in business for about two to three years, and the money is very tight. This route is scheduled to be cut, so you will be short a bus route out there. 5

Just your wording here: All of the at-grade, will they be fenced in? I asked a question at the proposed Warm Springs and at the Irvington station about where exactly are the BART revenue vehicles to come in and where exactly are the security vehicles going to be coming in so they're not interfacing with buses and cars? 6

So can I ask the question, the new railroad trackage right-of-way that you propose to take, is it 7 and was it the former Southern Pacific railroad; or is it the current Union Pacific railroad? And I make the point again, all your new trackage rights-of-way over that new proposed route are going to be at grade, but 8 are they going to be fenced in?

So that's any comments. I'm going to be mailing in other additional comments. Thank you.

MR. MAMMARELLA: My name is Arnold Mammarella. I'm a Fremont resident. Me and my wife, Lia, live between Walnut Avenue and Stevenson Boulevard in the condominium complex there. I've got a couple of comments about the proposal, but just in terms of the overview, in terms of process, I think that there are a lot of people who are concerned; and maybe you want to put it in we would request that some by-law be established during this stage of the process -- you can speak to specific project engineers as to how to address specific issues and have a dialogue rather than just a public hearing comment period. 9

The second is that we are very concerned about the impacts. We are very happy it's going under Central Park, but we wonder why residents who are affected 24 hours a day, almost, by BART are not given nearly the level of consideration as the people in the park, who are using it on a very short-term basis; so we would like a similar level of consideration. 10

The third point is a general point in terms of the alignment. We would like to see that the maximum downward angle you used to establish off of Walnut Avenue to get into a grade cut as soon as possible. 11

Right now the underground is not till Stevenson
Boulevard, but it could be done in a more rapid fashion
and will allow for more closure and can total privacy 11 cont'd.
and less visual effects to people if that was done.

I would like to see the impact and noise
handled at the source rather than being handled by sound
walls and buildings that receive the sound. Those
buildings in that area, both the BART complex and 12
others, they have balconies and face directly there, so
it is a pretty big issue. The report indicates a few
different areas -- the noise level from multifamily is
75 decibels, instead of a single-family. There's a bias 13
built into that we would like to see corrected, that
multifamily should not be quality than a single family.
A lot of those persons are homeowners.

This second is that the 81-decibel level is
what the expected impact is. And in the report you said
you could get it down to 73 with the sound mitigations.
Of course that's in the lab; the field notes may not be
that way. Even at 73, it's above the EPA goal for 14
residential -- acceptable residential, significantly.
In fact, looking at my restaurant guides, it's about
where they have a bomb next to the noise at that level,
so it's a significant impact on people's ability to talk
or hear a TV comment. Apparently the specifics they

have to resolve later.

A couple more points on this. There's a statement in here about esthetics, that it is a less significant impact; and mitigation is not required. I think that's not a very accurate statement. It is much more than less significant. That would pertain to both the tracks and the BART transfer, but also to the detention pond which is being planned for that area, which we don't know what that looks like. We have questions about that, whether it should be put there. And also there's already a mosquito problem and would standing water make that worse. So that detention pond is an issue as well as the vehicle alignment. 15

Let's see. Lastly, just that the Fremont general plan for housing rules calls for conservation of existing residential neighborhoods as a goal. I think that the total mitigations can't make a finding that that hasn't been done. There's impacts on residents' health, the noise and the other things, running trains all hours of the day; and it would definitely impact negative property values. So we would like to see a process that allows for more input, an alignment that allows for more closure of these things, and things of that nature. And I appreciate what you're doing and input and the comments and questions. 16

MR. MCINERNEY: Steven Cooper?

MR. COOPER: My question has been answered. Thank you.

MR. KIMMER: John Kimmer. I just wanted to reiterate my question as to how the tracks were being acquired from the Valley Transportation Authority. It sounds as if it's a done deal. I don't know whether that is. And how is that going to impact Santa Clara's desire to be the Union City area intermodal hub? 17

MR. HOWARD: Norman Howard. Several comments I'd like to make. First of all, is the Valley Transit has acquired the railroad tracks to the east there. And I'm not sure how far. I've heard reports they have even acquired Niles Canyon. I'm not sure. It's certainly to Niles Canyon anyway. 18

Another comment I'd like to make with regards to the tracks that you actually utilize, there's still a section of those tracks from the Lake Elizabeth up to Alameda Creek. And one of the things that I would like you to consider is perhaps taking that railroad bed and since it's already very isolated out there converting it into a bicycle footpath a hiking trail that would connect with the Alameda Creek trail. It would also provide an alternate means of people to use alternate transportation to come down, even to the Irvington 19

19 cont'd. station perhaps, with a little planning there that could make room for a similar pathway at least as far as Washington Boulevard and Irvington Station. That would mitigate alternate travel plans besides just the automobile, which we ought to be looking as well and could be accomplished there in this area.

20 I'm also concerned that in the area there that we would come up east of the railroad tracks through there. There is a rather unique habitat at present there at this point in time. One of the things that I would encourage BART to consider is consider purchasing that land in that area and then dedicate it to the City of Fremont for incorporation into the Stivers Lagoon area as a natural area, not a groomed park but as a natural area. Of course, one on either side of the BART tracks at that point, but that piece of land is going to become very inaccessible and not be much use for anything else. And you have the opportunity to add to the natural habitat area that is indicated by Stivers Lagoon there at the present time.

So I think those are things to consider. There is wildlife in that area through there. There's some wetland area at that part of that, and there's some unique wildlife in that area that I hope the biologists will pay attention to. I can certainly clue them in to a lot of them. I'm a biologist myself. I have a good idea of what's there. I know what's out there at this time. 20□ cont'd.

MS. OLSEN: Good evening. Gloria Olsen.

I have not read the document. But I do have some questions. But first I'd like to make some comments.

I really do enjoy riding BART. I think it's really a great thing. I voted for it. And I am glad we do have it here in Fremont. I also believe that Washington, D.C., used Fremont as a model for their system. They also have a great system there, too.

21 And some of my questions are: Have any studies been -- I know we talked about going under the lake and over the lake, but I'm not sure but there's been any talk about going around the lake? Have any studies been down about going around the lake?

Question, please?

MR. MCINERNEY: I have to reiterate that the format for the hearing is one where the staff is not able to respond to all your questions. It would just take us all night, and we don't have all the resources and staff available right now to answer every question. So what's most important is that you state your questions and get them out, as you're doing, and we will respond to them in writing as part of this final document.

MS. OLSEN: Thank you.

I would like to know if any studies have even been considered of going around the lake, because I know we don't want to spoil the view of the lake by going over it. My position has always been right from the beginning way, way back that we go around the lake. And I really I think that is very, very important; and we need to look at that. And also that would be probably not as expensive as going over or under the lake. 21□ cont'd.

And my next question is -- I know you can't answer it -- but I would really like some answers, maybe not tonight but in the future.

Why do Fremont residents have to pay for this extension? I really feel that BART should pay for this. I don't think we need an extra tax for Fremont. It should not be liable for any extensions going to either Irvington or Warm Springs. And I know that we have been paying taxes for this many, many years. And I really feel that BART needs to take this responsibility and pay for it. I know they're short for money, but so is everybody else. 22

So I really would like to have some answers if you can't answer them tonight like you said. I would like BART to take a look at this, my questions, and see what can be done about them, especially going around lake. I really feel that it really needs some consideration. Thank you.

MR. MCINERNEY: That does it for speaker cards, so let's get a show of hands.

MR. PRICE: I have a card. It's not the box up there.

MR. MCINERNEY: Well, come up. You can introduce yourself and state your question.

MR. PRICE: My name is Ken Price, and I live in Hayward. But I happen to have my RV stored down on your property in Warm Springs. And so I was interested if you're going to build, I need to move. But be it -- pardon me -- certainly, with the current budget crisis between the State and the counties and BART, more severe than it was in the early '90s, I just wondered if this project will be -- I don't think it will ever be deleted but postponed. 23

Certainly, I know that you started the environmental process. You probably need to go all the way through that and get that side, but it just appears right now with these of [inaudible] funds that are required for this project and the fact that the state is looking for every place it can to cut the dollars that this project most likely is in jeopardy of a funding shortfall. I don't know where the dollars are coming from, if indeed your timeline of trying to start construction will be a 2004-2005 time frame.

23 cont'd. So for what it's worth. I'm sure you guys have looked at it. You probably don't know the answer either, but sort of in there everything is, as Ms. Olsen said, everybody is going to be looking for money; and the dollars probably are not there right now. Thank you.

MR. PAYNE: My name is Lesley Payne. I have to refer to the map.

I live right here. And I've got a number of comments. I build this house about five years ago and invested a substantial amount of money in a sound wall and used a consulting company to consult on the eventual decibels that I would receive. They, too, suggested 72 to 73 decibels with an 8-foot wall. I encircled the three sides of the house with an 8-foot wall and didn't get even close to 72 decibels. When the trains come through, they go as high as 91 and typically 87. So I wanted to give that input, because clearly there's either an exaggeration or misunderstanding of sound decibels. 24

The other thing is we do get a substantial amount of vibration through the tracks. I'm pleased to hear that you're attempting mitigation there.

The other thing, for my benefit, the tracks are about 18 feet low here. And I particularly like the idea of going around the lake and saving an awful lot of money, because what I would like to propose, since there are an awful lot of residents who are going to be affected here, is that it be elevated higher up. If you 25 could take advantage of the tracks being low and maybe cover the tracks, maybe an expensive tunnel or maybe cover over the tracks, because this noise does effect all of these people much higher by the tracks. And since the tracks are depressed, you could maybe take advantage of that.

Another thing: I'm so frustrated with the traffic in the mornings. I wanted to point out that at this intersection right now as it is, I can't get out of my driveway in the mornings. In fact, if I want to go down Osgood Road, I can't do it; so what I do is I go up Driscoll Road and come back this way, because there's so 26 much traffic backed up here. I get so frustrated trying to get to my house. They let me get out so I go all the way around. So this already exacerbates what we have.

The other thing: I'd like to know how you are going to accommodate this traffic on Washington, as it's substantial as the trains cross Washington Boulevard, because now with these sets of traffic lights we can't accommodate Driscoll Road traffic and is now building a substantial development on Driscoll. And with the trains' interference, it's only going to get worse. 26 cont'd.

I guess that's it. Obviously, traffic coming to the station, buses, taxis, and everything else would be a concern as well. Thank you.

MR. MAO: My name is Craig Mao. I live here in Fremont.

I just have a real short one. The Warm Springs station there is going to be a one-sided station. I think that's missing a very big opportunity there, because you have a tremendous amount of people working at the NUMMI plant. And not that people who work in an auto plant want to take public transportation, but it's an easy way to get a lot of traffic through there, I think, instead of them having to walk all the way around and get to the station. 27

MR. HOLMES: My name is Spencer Holmes. I live here in Fremont. I just want to ask the question how would you affect the environment by drilling through it instead of -- since you'd have to drain it first then you'd kill most of the environment, the water, the lake, the fish, some of the ducks, some of the geeses [sic]. 28

28 cont'd. So would you guys affect and, like, how would you be able to help out the environment by going around it or if possibly going over it?

MR. MCINERNEY: Thank you. Anyone else like to raise a question tonight? Again, I reiterate that you can send written comments in to the address shown on the screen, and we have until May 9 to review the document.

29 If there are no further questions tonight --

MR. KIMMER: Apparently, there are fewer questions than you might have anticipated. I might say that we understand that flexibility is the goal of all projects that are going on. Why can't you be flexible and just answer a few questions; and if they can be answered, then they can be answered. Why do we just have to come back? If you want to take 10 minutes or 15 minutes or half an hour or something, whatever you would normally plan for, why cut it off if somebody might want to ask a question that may lead to some kind of answer?

MR. MCINERNEY: Let me explain, really, a two-fold response to that. First of all, we do have more time in this room. I believe staff would be more than happy to have people mill about the various stations and talk to staff informally and probably get some of your questions answered in that format. That would be my recommendation, if that's okay with staff.

The second part of the response is that this process, tonight's hearing, is part of a formal environmental review process that the State of California really sets in the California Environmental Quality Act. And, as such, BART is doing what it has to do to comply with that law. That is a standard law that all public jurisdictions and public agencies have to comply with when they're reviewing large capital expenditures and construction projects.

And so to comply with that law, we go through this process in the format as is being done tonight so that it's consistent with all projects. So if we were to engage in a dialogue on questions that folks had while in an ongoing hearing, that would be different than what BART has done on its previous projects and potentially would be cause for BART to be liable for legal challenges for some folks that want to question the process. So BART needs to protect not only themselves but also the public that's invested in this project and interested in the outcome that's productive.

So that's the reason why we cannot really change course. But staff is more than happy to spend more time with you all at the various stations, looking at the graphics, and talking about some of your questions that you have.

gc So unless there's any remaining questions I say we adjourn and close the forum hearing.

Yes, Ms. Olsen? Did you want to come back up?

MS. OLSEN: I would just like to suggest that maybe next time you have a meeting not to have it so close to a holiday. Maybe you can have a better turnout. I don't know how you got the word out. I happen to be on the mailing list. And maybe you need to do more advertising to get more people here. That's all. 30

MR. MAMMARELLA: What's the next step?

MR. MCINERNEY: The question has been asked wh what is the next step. And, Dick, would you like to explain to people? We have touched on it real briefly in your comments, but would you like to explain just what the process is here?

MR. WENTZEL: We're in the middle of the project. We're certainly going to collect everything we can to help finalize the environmental assessment. You can help us as you're doing. We need the written comments, too. We're halfway through the process only in the comment period, so you can go back and think some more. You can bring more comments to us. Thoughts that have been generated. You go back home and think more.

The more input you give us, the better the project is going to be. We have until May 9th to collect as much as we can. Then we will be answering every question, whether it's verbal or written. We will continue with that. We have to. And we want to because it makes the project better. We will be publishing the final supplemental environmental report. It's a response document and answers the questions that have been asked, no matter where and how we got them.

So that's basically the next process. Then after we have that document, then we will be going to the BART board of directors and will be presenting that document with its comments as well the base document which they already have for certification; that is, the environmental process is completed.

So we will be at the BART boardroom eventually sometime this summer, we anticipate, after we have answered all the questions and we will have a certification completed at that point. At that point we will be proposing mitigation monitoring plan, and we will seek project approval.

At that point after we pass through the environmental process with project approval then we move on to designing the project and constructing it. And that will take several years. That's the process. C.

Certainly, funding is key to that. And we don't have answers to that. So that's the general process we go through. Is there any clarification you need on that?

MR. PRICE: Your final report, you say, this summer?

MR. WENTZEL: We're anticipating this summer.

MR. MCINERNEY: Thank you, Dick.

I would just like to close by thanking everyone who did come out tonight and really encourage you to take a closer look at the document and provide information so that BART can be responsive to the concerns you have.

As a final note, we have a bunch of cookies in the back. If folks want to take a little break and have some coffee and stay and talk with some of the staff, we're going to stay around for another 30 or 40 minutes.

So with that, we're going to close the formal hearing and thank you for coming tonight.

---oOo---

Response to Letter 32 (Public Hearing Transcript Comments, April 14, 2003)

Comments of Douglas Bazzone:

32-1 Based on previous BART experience, no significant electrical or radio interference would be expected on televisions, radios, cell phones, personal computers or other normal household equipment from the construction of the Proposed Project or subsequent BART operations.

32-2 The alignment of the Proposed Project in this area is constrained by the City of Fremont's grade separations project and the associated realignment of the Union Pacific (former Southern Pacific) track. There is very little room for adjustment. See also the responses to comment 15-1.

Comments of John Cameron:

32-3 The Warm Springs DSEIR and related documentation is available at 1000 Broadway, Suite 620, Oakland CA 94607. The office of the BART General Manager is located at 800 Madison Street, Oakland. All public notices and the DSEIR listed the 1000 Broadway address, as well as local libraries in the project area, as the location to review the document.

32-4 Comment noted. Written comments from Mr. Cameron are included as Letter 19 in this FSEIR and responses are provided above.

32-5 The comment is correct that the AC Transit 253 Route runs from Fremont BART to the ACE Train Station. AC Transit staff indicate that due to low ridership, AC Transit is considering the elimination of Route 253.[12] Elimination of the AC Transit Route 253 would not affect any of the conclusions in the DSEIR.

32-6 All sections of BART at-grade trackway are protected by a chain link fence not less than 8-feet high, which is normally located on the property line.

At both the Warm Springs and the optional Irvington Stations, the interaction of BART service vehicles (emergency, maintenance, cash handling, etc.) with buses and private autos is deliberately kept to a minimum. However, some minor degree of mixing is inevitable, just as it is on the public street system.

32-7 The railroad right of way proposed for the Proposed Project alignment is the easternmost alignment of the Union Pacific Railroad, the former Western Pacific Railroad property.

32-8 As noted above, all BART at-grade trackway sections are secured by a chain link fence no less than 8-feet high, which is normally located on the property line.

---

[12] Nathan Landau, AC Transit, e-mail communication, May 29, 2003.

Comments of Arnold Mammarella:

32-9 The CEQA process provides for public comments to be received during a public comment period. A 45-day public comment period was held for the DSEIR from March 25, 2003 to May 9, 2003. During that period, a public hearing was held on April 14, 2003, to accept comments on the DSEIR. Immediately prior to and immediately following the formal public hearing on the evening of April 14, BART WSX project staff and consultants were available for one-on-one conversations with hearing attendees to address specific issues. This provided an opportunity for dialogue between project engineers and local residents. In addition, a project telephone hotline was established in January 2002 and has been available since that time to take calls from residents. BART engineers have responded to hotline calls.

32-10 The comment in favor of the below-grade alignment beneath Fremont Central Park is noted. Impacts to residents along the alignment have been addressed in the SEIR, and mitigation measures have been provided to address impacts, where feasible and cost effective. Visual changes are addressed in Section 3.7 (*Aesthetics*) of the DSEIR; noise and vibration impacts to residences along the alignment are addressed in Section 3.10 (*Noise and Vibration*) of the DSEIR.

It is not considered feasible to construct the entire Proposed Project in a subway alignment. In particular, design constraints do not permit the construction of a below-grade alignment between Walnut Avenue and Stevenson Boulevard. The alignment would be on an embankment leaving the Fremont BART Station, and there is insufficient distance to construct a portal transitioning from the aerial alignment while providing a grade separation of Walnut Avenue. The current alignment would provide an aerial crossing of Walnut Avenue and place the BART tracks on an embankment where the alignment crosses the Hayward fault. The alignment would transition from aerial to below ground level prior to crossing Stevenson Boulevard.

32-11 The vertical alignment (profile) of the Proposed Project does represent the steepest practical grade descending from the embankment south of Walnut Ave into the retained cut section and subway portal just north of Stevenson Blvd. Due to vehicle performance limitations and passenger ride comfort thresholds, the BART design criteria limits the combined effects of horizontal curvature, vertical curvature and vertical gradient. All three of these factors are present at this location. The net result is that a steeper descent into the retained cut section is not a practically viable option.

32-12 The Proposed Project alignment segment between Walnut Avenue and Stevenson Boulevard, to which Fremont Villas is adjacent, is a potential location for noise barriers (see Table 3.10-9 on page 3.10-32 of the DSEIR). Noise barriers on the Proposed Project alignment adjacent to the tracks would be among the noise mitigation approaches likely for this segment. Revised Figure 3.7-4 in Section 3 of the FSEIR, presents a simulation of the noise barriers placed adjacent to the BART tracks in the vicinity of Fremont Villas. Building sound insulation is not proposed at Fremont Villas.

32-13 Most noise level criteria, whether they are city land use noise ordinances or transit design criteria, make a distinction between noise levels appropriate for single-family and multi-family housing. This difference is based on the assumption that ambient noise levels are generally higher in urban areas, which typically have more multi-family housing, than suburban areas, which typically have more single-family housing.

The BART noise criteria are determined based on development density and existing noise levels. The noise criteria assume that noise levels are generally higher at multi-family residences and that residents in dense developments are less sensitive to noise than residents in low-density developments. However, the criteria also consider the existing noise level at all noise-sensitive receptor locations. The selected criterion is based on both residential density and measured ambient noise levels. Therefore, the analysis takes into account the possibility that an isolated multi-family building in a predominantly single-family area might be more sensitive to noise than a multi-family development surrounded by higher density development, if the existing noise levels at the isolated multi-family development were lower.

32-14 The 73 dBA impact following mitigation does not exceed the BART criteria for significant noise impacts, which is 75 dBA in multi-family residential areas. This threshold is explained in Section 3.10 (*Noise and Vibrations*) of the DSEIR.

Depending on construction materials and techniques, the average residence with standard windows can provide approximately 20 dB of noise reduction from outside to inside (windows closed). With special treatments (special windows, doors, etc.), this number can reach 30 dB. Therefore, an outdoor maximum level of 73 dBA would likely be approximately 53 dBA inside the residence (windows closed).

The DSEIR assesses the potential for noise and vibration impacts to result from the Proposed Project. As described in Section 3.10 (*Noise and Vibration*), the mitigation measures, including precise locations and heights of soundwalls and use of special track-design features to reduce potential for vibration impacts, will be based on detailed engineering design. This detailed engineering design will be developed during the preliminary and final design phases of the project. Final design details will include plans, specifications, and estimates for location and dimensions of noise and vibration mitigation measures.

32-15 Mitigation Measure A1 on page 3.7-21 of the DSEIR lists measures to provide vegetative screening for the new Tule Pond. These measures would minimize the removal of mature vegetation to the extent possible and replace vegetation lost during construction to provide replacement screening for adjacent residents. With implementation of these measures, visual impacts would be less than significant.

BART does not have regulatory control for mosquito abatement at the Tule Pond. The Alameda County Department of Public Works maintains the pond.

32-16 The Proposed Project is consistent with the *Fremont General Plan*, which reserves the project alignment as a transit corridor. Noise impacts to residences adjacent to the Proposed Project alignment were assessed in Section 3.10 of the DSEIR. Where necessary and feasible, mitigation measures have been proposed to reduce noise impacts to residences to a less-than-significant level. Implementation of Mitigation Measure N1 would reduce noise impacts at Fremont Villas to a less-than-significant level.

Reduction in property value is not considered an environmental impact for CEQA purposes.

BART will conduct a community information program during the design and construction phases of the Proposed Project to provide current information concerning the project to residents.

Comments of John Kimber:

32-17 BART has not acquired the Union Pacific Railroad (UP) right-of-way (former Western Pacific right-of-way) from VTA. For the Proposed Project to go forward, BART would need to enter into an agreement with VTA for the sale and transfer of the UP right-of-way to BART. Commuter rail service between Union City and San Jose is an alternative that has been considered but rejected. (See page 5-13 of the DSEIR.)

Comments of Norman Howard:

32-18 VTA has acquired the Union Pacific Railroad right-of-way to a point approximately 200 feet north of Paseo Padre Parkway. This right-of-way does not include Niles Canyon.

32-19 As noted in the response to comment 32-18 above, the Union Pacific Railroad retains ownership of the railroad right-of-way north of Paseo Padre Parkway. A hiking trail/bicycle path is not feasible in that segment of right-of-way at this time.

32-20 The commenter suggests that BART consider purchasing the land between Stivers Lagoon and the future BART tracks and convert it to a natural area. Wetland mitigation pursuant to Mitigation Measures BIO3, BIO5, and BIO12 would be designed through coordination with the agencies having jurisdiction as described in the DSEIR. If appropriate and approved by the agencies with jurisdiction, BART will consider using the area identified by the commenter as wetland mitigation.

Comments of Gloria Olsen:

32-21 Sections 1.2 (*BART Extension Program*) and 1.4 (*Purpose and Need*) of the 1992 EIR provide background on the BART extension program and planning for the Warm Springs Extension. Alternatives that would have avoided Lake Elizabeth were considered during the Warm Springs Extension planning process, but were ultimately rejected as infeasible. See Section 9-2 (*Alternatives Considered*) and Figure 9-1, on page 9-7 of the 1991 Draft EIR

32-22 As described in Section 2.6.3 of the DSEIR (pages 2-43 and 2-44), funding for the Proposed Project would be provided by a variety of funding sources. The City of Fremont would not contribute to Proposed Project costs without the optional Irvington Station. However, as noted on page 2-38 and 2-39 of the DSEIR, construction of the optional Irvington Station is not included in the project's funding plan. For that station to be constructed, funding for the estimated $76 million cost of the Irvington Station would need to be identified. The City of Fremont is currently investigating potential sources of funds for the station.

Comments of Ken Price:

32-23 Section 2.6.3 of the DSEIR (pages 2-43 and 2-44) describes the currently anticipated funding sources for the Proposed Project. If the Proposed Project is adopted by the BART Board of Directors, BART anticipates beginning project construction in 2004.

Comments of Lesley Payne:

32-24 The effectiveness of a noise barrier depends on the height of the source and the receiver, and the material used in the construction of the noise barrier. The primary concern in constructing a noise barrier is to block the line of sight from the source to the receiver. For a source that is very low, such as the wheels of a train, the barrier would not have to be very high to block the line of sight to a residence. However, if the noise source is higher, such as the exhaust on a diesel locomotive from trains using the Union Pacific tracks, a horn mounted on top of a locomotive, or an elevated BART train on a structure, the barrier would have to be significantly higher to block the line of sight.

The commenter's agreement that vibration mitigation measures should be used is noted.

32-25 Alignments that would avoid Lake Elizabeth were considered but subsequently withdrawn from further consideration. See the response to comment 32-21.

Request for consideration of placing the BART tracks in a tunnel or trench where the alignment is current below the existing grade level of adjacent residences is noted. Use of tunnels or trenches for noise mitigation in this segment, while providing noise mitigation, would not be cost effective. To mitigate noise impacts, BART proposes to construct noise barriers along this portion of the alignment, in combination with installing building sound insulation of selected residences, as identified in Mitigation Measure N1.

32-26 The Proposed Project baseline assumes that the City of Fremont's grade separations project will be in place prior to operation of the BART Warm Springs Extension. The city's grade separations project will eliminate the existing at-grade railroad track crossing and provide a grade separation of Washington Boulevard over the Union Pacific and BART tracks (see page 2-3 and 2-33 of Section 2.2.2 of the DSEIR) so that vehicles, bicycles and pedestrians will not cross either street in conflict with trains.

Comments of Craig Mao:

32-27 BART's conceptual design for the Warm Springs Station is designed to accommodate a future pedestrian bridge to the west, over the adjacent Union Pacific tracks. This is noted on page 2-35 of the DSEIR and illustrated in Figure 2-6b (page 2-22). See also the response to comment 11-28.

Comments of Spencer Holmes:

32-28 See the response to comment 23-1 regarding mitigation for impacts to the open water habitat of Lake Elizabeth. Construction activities in Lake Elizabeth are not expected to result in mortality to ducks and geese.

Comments of John Kimber:

32-29 The commenter requested additional time for questions regarding the Proposed Project. Following the formal public hearing comment period, BART staff remained in the room to answer questions posed by members of the public.

Comments of Gloria Olsen:

32-30 Notice regarding the public hearing was provided in five local newspapers, where announcements were published three weeks prior to the hearing. Additionally, flyers announcing the meeting were sent to neighborhoods in the vicinity of the Proposed Project alignment, as well as to individuals who asked to be placed on the mailing list.

Section 3

Revisions to the DSEIR

This section shows the revisions that have been made to the March 2003 DSEIR for the BART WSX project to provide further clarification or in response to comments received on the DSEIR. The revisions are presented in the consecutive order in which they appear in the DSEIR. Text in standard print is original text from the draft EIR. Underscored (underscored) text indicates additions to the original text, and strikethrough (~~strikethrough~~) text indicates deletions to the original text.

Executive Summary

Figure ES-2 in the DSEIR incorrectly labeled the Capitol Corridor intercity rail service alignment as the Altamont Commuter Express (ACE) alignment. The incorrect label is hereby changed to Capitol Corridor in this FSEIR.

Several mitigation measures that are listed in Table ES-2 in the Executive Summary of the DSEIR have been revised. These measures include the following: BIO3, BIO4, BIO9(b), LU3, A4, A7(a), CR6(b), and N1. Specific text revisions for each of these mitigation measures are shown below under the appropriate section headings.

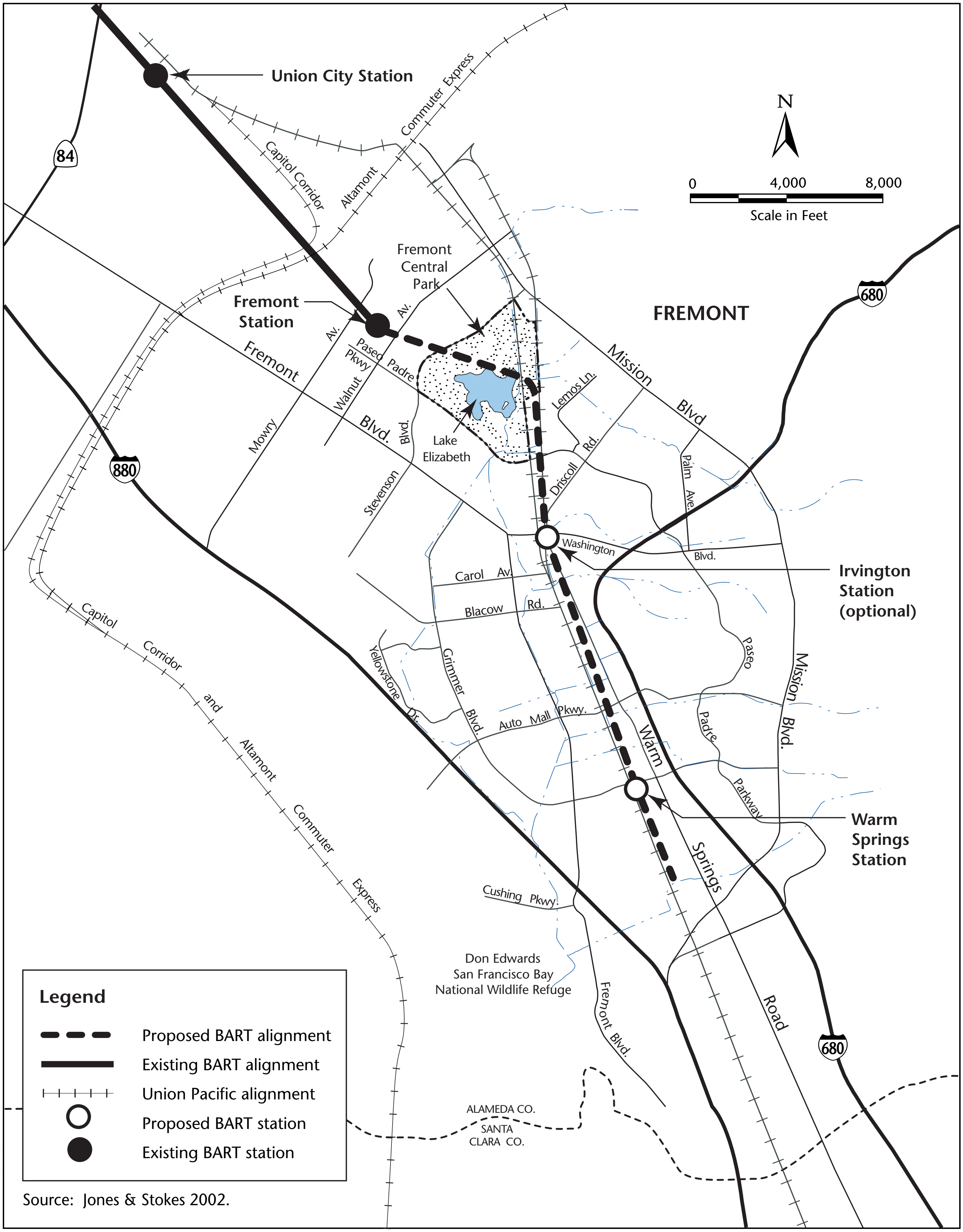
Chapter 1 (*Introduction*)

The following paragraph is hereby added following the second paragraph of Section 1.1 on page 1-1 of the DSEIR:

> City of Fremont staff have advised BART that this SEIR may be used by the city and its Redevelopment Agency as (1) the CEQA document for consideration of a cooperative agreement with BART to seek funding sources for, and to take preparatory steps to implement, the development of the optional Irvington Station evaluated in this SEIR; and (2) a base environmental information document for preparation of a separate EIR for a proposed redevelopment plan amendment to provide acquisition and construction funding for the Irvington Station (as further described in Section 2.3.4).

To clarify that Alameda County Measure B funds provide partial funding for the Proposed Project, pages 1-6 and 1-14 in Chapter 1 (Introduction) of the DSEIR have been revised. The fourth sentence in the second paragraph on page 1-6 is hereby revised as follows:

> In 2000, Alameda County voters reauthorized the transportation sales tax (Measure B), which ~~has made sufficient funds available~~ provided partial funding for a one-station BART extension project.



Source: Jones & Stokes 2002.

02041.02 (6/03)

Figure ES-2
2003 Proposed Project

In addition, the second bullet item on page 1-14 is hereby revised as follows:

> This sales tax measure, approved by the Alameda County voters in 2000, provides transportation sales tax revenues to partially fund a BART extension to southern Fremont.

The following text is hereby added to Table 1-5 on page 1-23 of the DSEIR:

Agency	**Permit/Approval**	**Reason for Permit/Approval**
City of Fremont and Fremont Redevelopment Agency	Cooperation Agreement and Redevelopment Plan Amendment	Funding for Optional Irvington Station

Chapter 2 (*Project Description*)

The last sentence of the first paragraph of Section 2.3.4 on page 2-39 of the DSEIR is hereby revised as follows:

> ~~The Redevelopment Agency is preparing a project-specific EIR on the Amended Redevelopment Plan.~~ City of Fremont staff have advised BART that the city and its Redevelopment Agency will determine the financial feasibility of proceeding with an amendment to the 1998 Amended Redevelopment Plan for the Industrial Project Area to generate funding for the optional Irvington Station after the state budget impacts on the Redevelopment Agency and other affected local property taxing entities become known later this year. If such a redevelopment plan amendment is pursued, city staff anticipate that the city and the Redevelopment Agency will prepare a project-specific EIR that will draw upon this SEIR as a source document.

The following text is hereby added following the third sentence in Section 2.6.3 on page 2-43 of the DSEIR:

> This Measure B funding may not be used for construction of a BART rail extension to Warm Springs until full funding for a rail connection to Santa Clara County is assured. Project development, right-of-way, design, and station site development costs are eligible for Measure B funding prior to securing full funding for the rail construction.

Section 3.1 (*Introduction to Environmental Analysis*)

For completeness, the Rosewalk Court development is hereby added to the list of projects in Table 3.1-1 of the DSEIR:

Development	**Location**	**Size**	**Description**
Rosewalk Court	adjacent to the east side of the Proposed Project alignment at 2869 Driscoll Road north of Washington Boulevard.	13 single-family units	Redevelopment of an existing detached single-family parcel into 13 single-family detached planned units.

Section 3.2 (*Hazards and Hazardous Materials*)

The following sentence is hereby added at the end of the paragraph under "Alameda County Water District" on page 3.2-11 of the DSEIR:

> Under cooperative agreements with RWQCB and the City of Fremont, ACWD provides technical oversight of investigation and remediation of groundwater cleanup sites, and submits closure recommendations to RWQCB when cleanups are completed.

Section 3.3 (*Hydrology and Water Quality*)

To accurately reflect the current status of the dredge ponds, the end of the last paragraph on page 3.3-5 of the DSEIR, beginning with the last sentence on page 3.3-5, is hereby revised as follows:

> The lake is periodically dredged to maintain floodwater storage capacity, and dredge spoils are retained in a bermed area north of the lake and two dredge ponds with an aggregate area of approximately 20 acres west of the lake. ~~The ponds are maintained by Fremont Central Park staff.~~ The two dredge ponds west of the lake were maintained by the City of Fremont as temporary dredge ponds; the ponds no longer exist.

Regarding groundwater quality in the immediate project area per the commenter's request, the following text is hereby added following the last paragraph under "Water Quality" on page 3.3-6 of the DSEIR:

> The portion of the Proposed Project alignment that will be constructed below ground surface is located east of the Hayward fault in an area referred to as the Above Hayward Fault (AHF) sub-basin. Information received from the Alameda County Water District (pers. comm. Paul Piraino, General Manager, ACWD, May 2003) indicates that, unlike other areas within the Niles Cone, the AHF sub-basin is largely unconfined and the first encountered water-bearing zone is the regional aquifer, composed of highly permeable soils (i.e., cobbles, gravel, and sand). The tremendous water storage and flow potential of these aquifer materials explain why a major portion of ACWD's recharge and extraction occur in the AHF sub-basin. The quality of water in the AHF sub-basin is considered to be of highest quality and consistently meets all drinking water standards.
>
> Although the Department of Water Resources reported in 1968 that excessive amounts (greater than 44 ppm) of nitrates were found in groundwater in the region, the nitrates were found southwest of Union City and the Niles district in Fremont, and not in the project area. In addition, testing for nitrates is routinely conducted from ACWD's groundwater production wells, and the results are significantly below the Maximum Containment Level of 45 ppm (pers. comm. Paul Piraino, General Manager, ACWD, May 2003).
>
> In 1960, a DWR report indicated that some wells in the vicinity of geologic faults had high concentrations of boron, with the highest observed concentration being 5.3 ppm. However, based on DWR data collected between 1962 and 1967, boron concentrations were below 0.7 ppm in all Niles Cones aquifers. In addition, ACWD

> collected samples from two AHF monitoring wells (one adjacent to the Hayward fault) in 1998, and boron concentrations were 0.57 and 0.67 ppm. A boron concentration of 2 ppm is considered suitable for agricultural use. (Pers. comm. Paul Piraino, General Manager, ACWD, May 2003).

To more accurately reflect current regulatory requirements under state authority and per the commenter's request, the following text is hereby added to the Hydrology and Water Quality section, following the first paragraph under "Porter-Cologne Water Quality Control Act" on page 3.3-9 of the DSEIR:

> Activities in areas defined as "waters of the state" that are outside the jurisdiction of the U.S. Army Corps of Engineers (e.g., isolated wetlands) are regulated by RWQCB under the authority of the Porter-Cologne Water Quality Control Act. Such activities may require the issuance, or waiver, of waste discharge requirements from RWQCB. See page 3.4-32 for additional discussion of agency jurisdiction over wetlands.

To more accurately reflect the Proposed Project's impact on local groundwater supplies and per the commenter's request, the following revisions are hereby made following the first paragraph under Impact H10 on page 3.3-17 of the DSEIR:

> Dewatering measures have the potential to result in localized lowering of shallow groundwater levels. This groundwater supports wetland and riparian habitats in the area ~~but is not the drinking water supply, which is obtained from deeper aquifers.~~ Because the effects of dewatering on shallow groundwater would be temporary and localized, they are accordingly expected to be less than significant. ~~Locally, there is no demand upon groundwater supplies.~~
>
> The ACWD withdraws groundwater from eight production wells in the Peralta-Tyson Wellfield. However, construction dewatering is not anticipated to affect these wells, because there is a minimum distance of approximately 1 mile between the nearest wellfield and the cut-and-cover subway excavation area.

Section 3.4 (*Biological Resources*)

Page 3.4-32 of the DSEIR is hereby revised to reflect the amended City of Fremont tree policies. The second sentence in the last paragraph on page 3.4-32 is hereby revised as follows:

> The ordinance ~~currently~~ requires that a permit be obtained for the removal of any tree with a trunk diameter of 4 6 inches or more, measured at 4 4.5 feet above the ground.

Mitigation Measure BIO3 on page 3.4-36 incorrectly refers to Impact BIO11 rather than Impact BIO12. The second to last sentence in the first paragraph of Mitigation Measure BIO3 is hereby revised as follows:

> Subject to approval by the Corps, the wetland mitigation plan will address temporary and permanent impacts (temporary impacts are addressed under Impact BIO~~11~~12).

This revision to Mitigation Measure BIO3 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

The first bullet point in Mitigation Measure BIO4 on page 3.4-37 of the DSEIR is hereby revised as follows:

> The restored site is composed of a mix of species similar to that removed during the construction activity; native species are planted where appropriate.

The above revision to Mitigation Measure BIO4 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

In addition, the following footnoted text (footnote 8) on page 3.4-32 is hereby deleted:

> ~~A proposed amendment to the Tree Preservation Ordinance would increase the specified diameter from 4 inches to 6 inches, measured at 4 feet above the ground.~~

Per the commenter's request, Mitigation Measure BIO9(b) on page 3.4-41 of the DSEIR is hereby revised as follows:

> Replacement trees will belong to a native species such as coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), California bay laurel (*Umbellularia californica*), or other appropriate species native to the Fremont area or similar to the mix of species removed during construction activity.

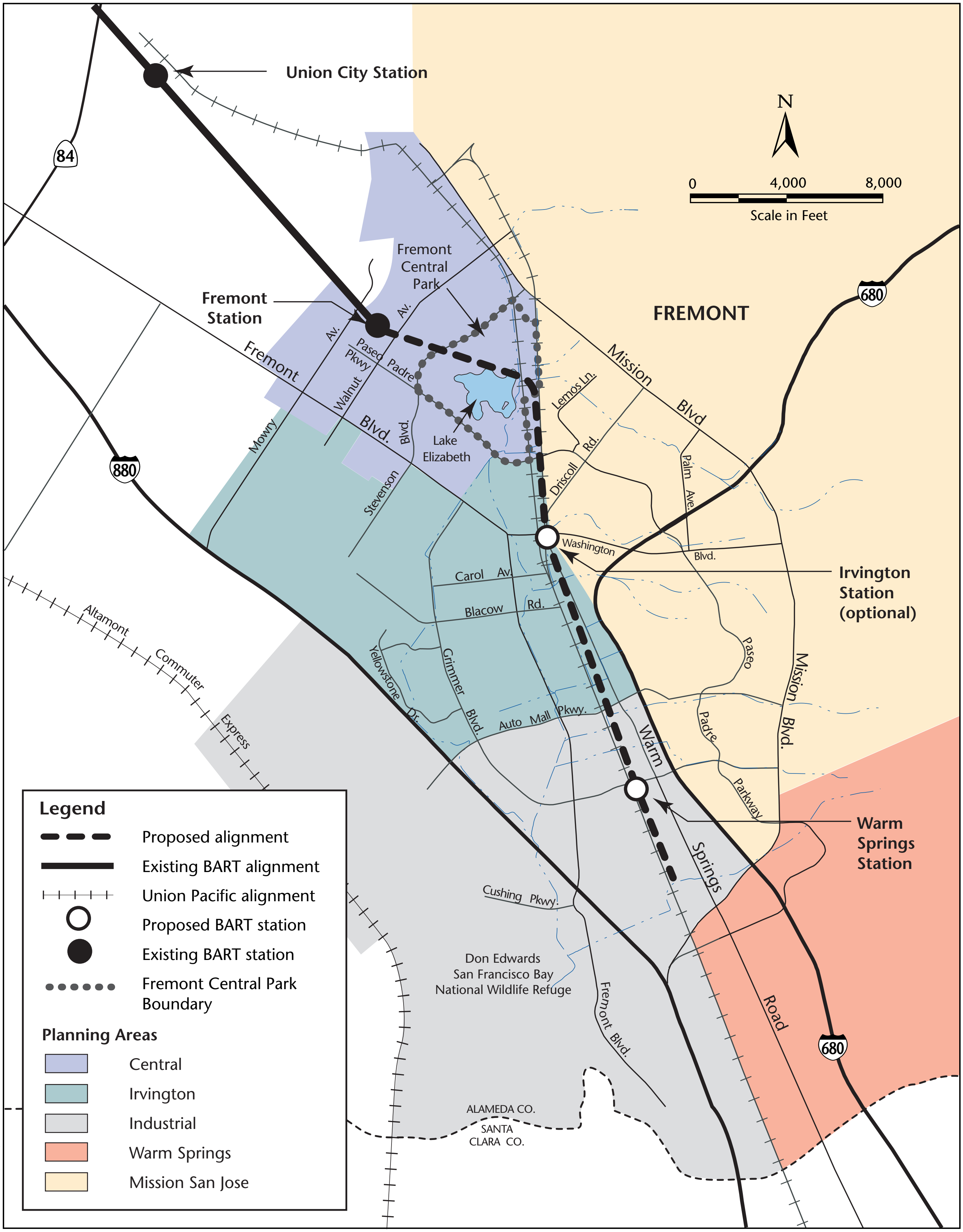
The above revision to Mitigation Measure BIO9(b) is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

Section 3.5 (*Land Use*)

Text beginning on page 3.5-2 of the DSEIR is hereby revised as follows to reflect the new location of the Fremont City Hall:

> The Fremont City Hall is located at the corner of Liberty and Capitol Avenue. The Alameda County Library and Police Building are located at Civic Center Drive and Stevenson Boulevard, immediately adjacent to Fremont Central Park. ~~Civic Center, located on Stevenson Boulevard at Civic Center Drive, includes the City Hall, the main library, and the police department headquarters.~~

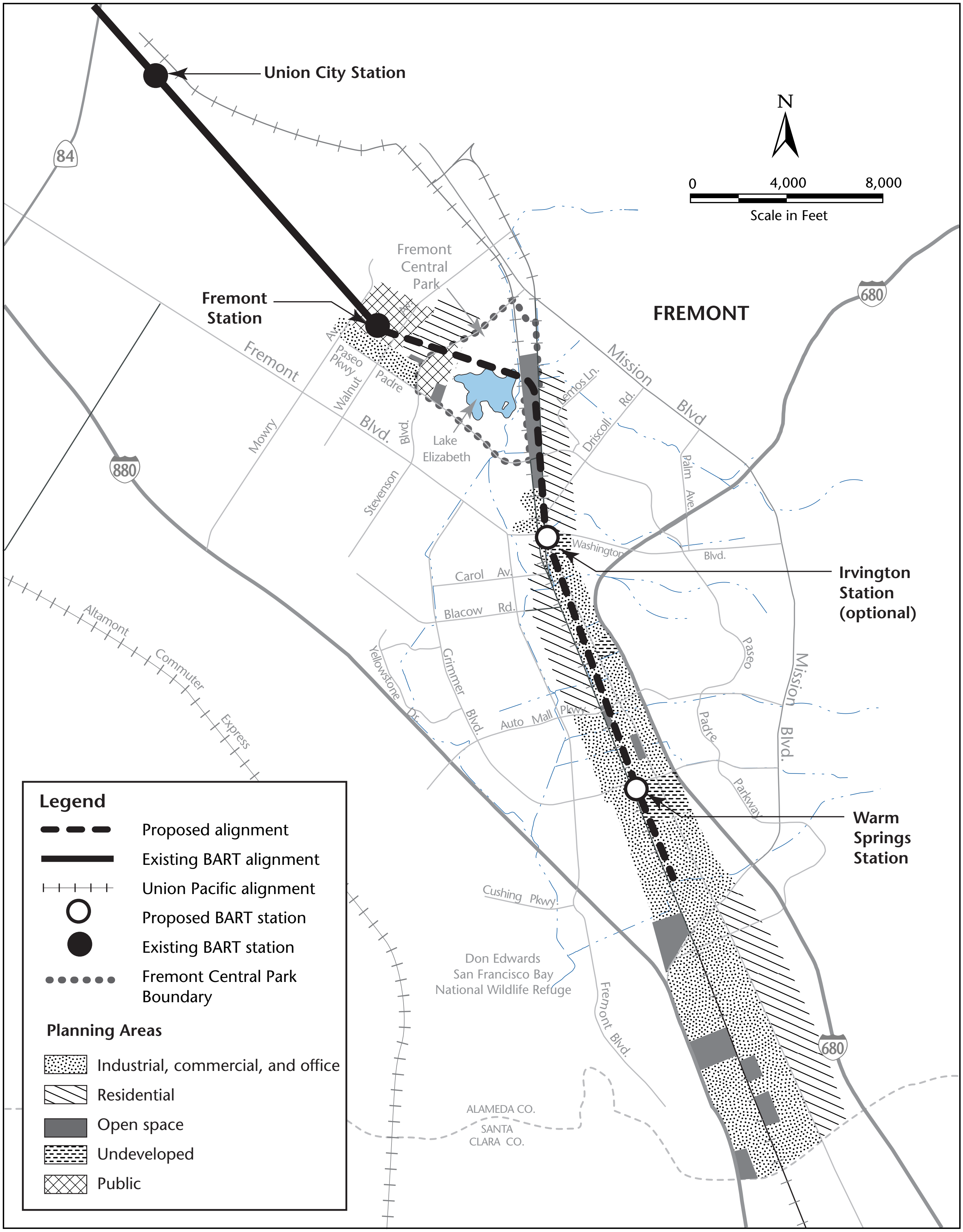
The Newark label in Figure 3.5-2 of the DSEIR was placed in the wrong location. The figure is hereby revised accordingly. The same comment applies to Figures 3.5-3 and 3.5-6, which are also hereby revised accordingly. The same comment also applies to the following figures: 1-2, 1-5, 2-2, 2-3, 3.1-1, 3.10-3, 3.10-4, 3.2-1, 3.3-1, 3.4-2, 3.5-6, and ES-2. The Newark label is hereby removed from each of these figures, but the revised figures are not included here in this FSEIR.



02041.02 (6/03)

Source: Fremont General Plan.

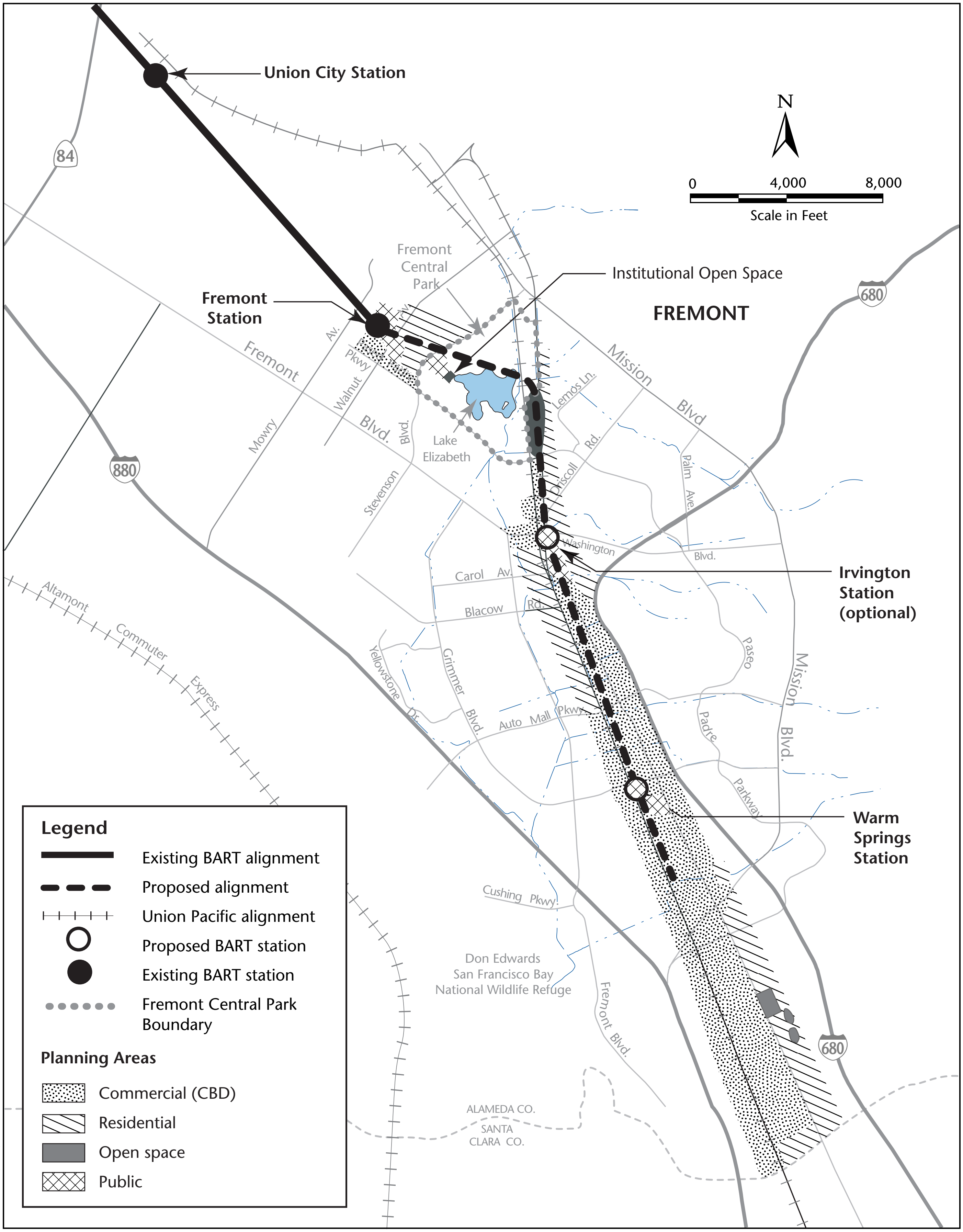
Figure 3.5-2
Planning Areas Affected by Proposed Project Alignment



02041.02 (5/03)

Source: Jones & Stokes 2002; City of Fremont 2002.

Figure 3.5-3
Existing Land Uses Adjacent to Proposed Project Alignment



02041.02 (6/03)

Source: Jones & Stokes 2002; City of Fremont 2002.

Figure 3.5-6
General Plan Land Use Designations
Adjacent to Proposed Project Alignment

The following language is hereby deleted from the fourth full paragraph of page 3.5-6 of the DSEIR:

> ~~Since preparation of the 1992 EIR, the city has approved several rezoning requests of formerly industrial land for single-family residential development east of Civic Center Drive and north of Stevenson Boulevard adjacent to the reserved Proposed Project corridor.~~

Per the commenter's request, the last sentence of the second paragraph under "Irvington Planning Area" on page 3.5-17 of the DSEIR is hereby amended as follows:

> In keeping with the *General Plan* recommendations, the city is in the process of working with the community to create the Irvington Concept Plan, currently in draft form, which seeks to set forth a vision for revitalization of the Irvington District. City of Fremont staff have advised BART that the city and Redevelopment Agency will determine the financial feasibility of proceeding with this amendment to the 1998 Amended Redevelopment Plan after the state budget impacts on the Redevelopment Agency and other affected property taxing entities becomes known later this year.

The following heading text is hereby added on page 3.5-22 of the DSEIR, preceding the heading "City of Fremont Zoning":

> **Redevelopment Plan for the Irvington Redevelopment Project**

The following paragraph is hereby added after the last paragraph on page 3.5-33 of the DSEIR:

> In addition, BART's conceptual design of the Warm Springs Station is designed to accommodate construction of a future pedestrian bridge to the west, over the adjacent UP tracks, as illustrated in Figure 2-6b. This access to the area west of the railroad corridor would allow future access to a large amount of vacant and underutilized land and an existing major employment generator, which would enhance future development and ridership opportunities.

The following bullet is hereby added to Mitigation Measure LU3 following the last bullet on page 3.5-38 of the DSEIR:

> Please see also Mitigation Measure TRN25.

The above revision to Mitigation Measure LU3 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

Section 3.6 (*Population, Economics, and Housing*)

The following text in the first paragraph of Impact POP2 on page 3.6-12 of the DSEIR is hereby deleted:

> ~~Changes in land use designations implemented by the City of Fremont since 1992 in the area surrounding the proposed Warm Springs Station would allow for more mixed-use development and could indirectly encourage growth.~~

Section 3.7 (*Aesthetics*)

Figure 3.7-4 on page 3.7-14 of the DSEIR has been revised to show a simulation of how a noise barrier would look if placed on the BART embankment.

To acknowledge the voluntary consultation requested by the commenter, the following bullet is hereby added to Mitigation Measure A4 on page 3.7-28 of the DSEIR:

> Consult with the City of Fremont regarding the design of the Warm Springs Station, including consideration of city comments developed through voluntary participation in informal design review meetings prior to finalization of the station plans.

The above revision to Mitigation Measure A4 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

Per the commenter's request, the following text is hereby added to Mitigation Measure A7(a) on page 3.7-34 of the DSEIR:

> Consult with the City of Fremont regarding the design of the optional Irvington Station, including voluntary participation in informal design review meetings with the Planning Commission and City Council, prior to finalization of the station plans.

The above revision to Mitigation Measure A7(a) is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

Section 3.8 (Cultural Resources)

The text of Mitigation Measure CR6(b) on page 3.8-26 of the DSEIR is hereby amended as follows:

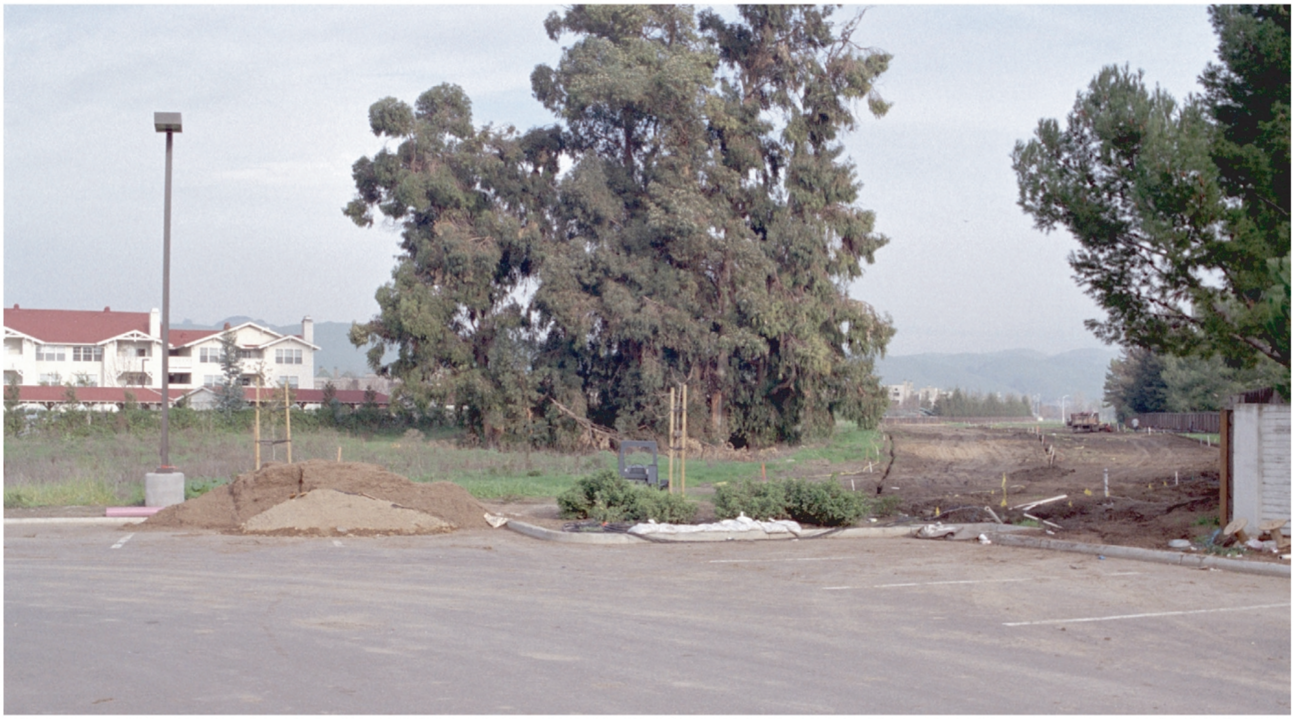
> The results of the study will be identified, catalogued, and deposited with the California Historical Resources Regional Information Center.

The above revision to Mitigation Measure CR6(b) is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

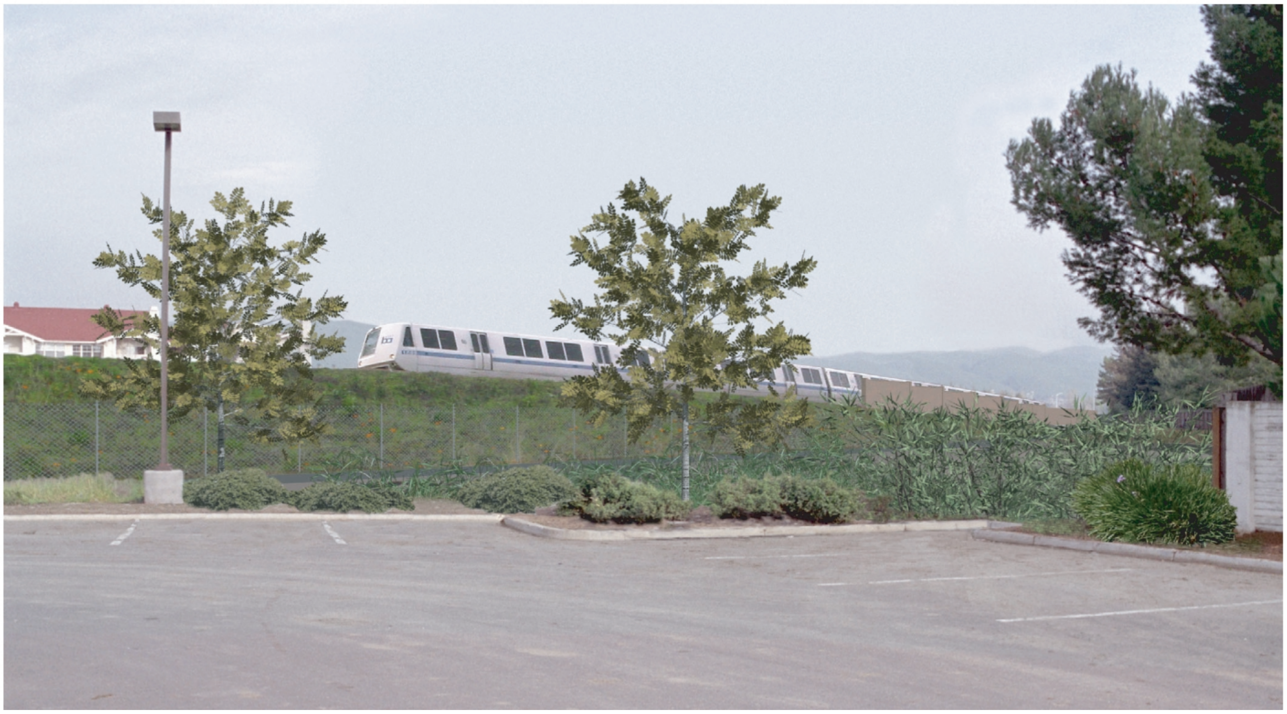
Section 3.9 (*Transportation*)

Footnotes (d), (e), and (f) are hereby added to Table 3.9-3 on page 3.9-12 of the DSEIR as follows:

> (d) The SEIR text and tables refer to intersection 1 as Osgood Road/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is Osgood Road/Auto Mall Parkway.
>
> (e) The SEIR text and tables refer to intersection 2 as I-680 SB Ramps/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is I-680 SB Ramps/Durham Road.
>
> (f) The SEIR text and tables refer to intersection 3 as I-680 NB Ramps/Durham Road/Auto Mall Parkway. The City of Fremont's naming convention for this intersection is I-680 NB Ramps/Durham Road.



Existing view looking east from parking lot behind the Benton Development



Visual simulation of proposed project trackway on embankment. Vegetation is shown at 5 years after planting.

02041.02 (6/03)

Source: Environmental Vision 2003

Figure 3.7-4 - Viewpoint 2

The following sentence is hereby added at the end of the first paragraph under “Parking” on page 3.9-15 of the DSEIR:

> There are currently 92 spaces set aside for monthly permits at the Fremont BART Station, at a price of $63.00 per space per month.

The first sentence in the first paragraph under “Parking” on page 3.9-15 of the DSEIR is hereby amended as follows:

> There are currently ~~2,330~~ 2,030 spaces at the Fremont BART station for BART patrons.

The following text is hereby added on page 3.9-16 of the DSEIR, at the end of the section on bicycle Facilities:

> The Alameda Countywide Bicycle Plan (Plan) illustrates existing and proposed bicycle routes in Alameda County.

The following text is hereby deleted from the text on pages 3.9-28 and 3.9-29 of the DSEIR and in Appendix N:

> …~~unless LOS F was measured when the Congestion Management Plan was established in 1991~~.

The last sentence in the second bullet on page 3.9-36 of the DSEIR regarding the walk access at Irvington Station is incorrect and is hereby deleted from the text:

> ~~There would be more people walking to the optional Irvington Station than to the proposed Warm Springs Station.~~

Section 3.10 (Noise and Vibration)

The number of significant impacts on the fifth row, last column of Table 3.10-16 of the DSEIR is hereby revised from ~~44~~ to 46.

The number of residences exposed to significant impacts on the fifth row, last column of Table 3.10-10 of the DSEIR is hereby revised from ~~8~~ to 18.

For clarification, the following text is hereby added to the end of the first bullet in Mitigation Measure N1 on 3.10-31 of the DSEIR:

> Where implementation of all feasible exterior noise mitigation does not reduce noise below the thresholds identified in Tables 3.10-3 and 3.10-4 in the DSEIR, implementation of interior noise-mitigation measures to reduce interior noise to less than 45 dB-Ldn is considered adequate to mitigate noise impacts to a less than significant level.

The above revision to Mitigation Measure N1 is also reflected in Table ES-2, Summary of Impacts and Mitigation Measures, in the Executive Summary.

Chapter 5 (*Alternatives Analysis*)

Figure 5-1 has been revised to clarify the alignment for the Bus Alternative and to be consistent with the description of the alternative in the text. Figure 5-1 has been revised in the following ways:

- The title of the Figure 5-1 has been changed from "Proposed Bus Routes" to "Proposed Bus Alternative Alignment."
- The proposed bus guideway alignment between Paseo Padre Parkway and Washington Boulevard has been clarified to show the bus guideway located between the former SP and former WP alignments in the vicinity of Paseo Padre Parkway and within the former WP alignment further to the south.
- The areas on the figure labeled "Irvington Station" and "Warm Springs Station" have been relabeled as "Irvington Transit Center" and "Warm Springs Transit Center," respectively.
- The footprint for the Irvington Transit Center has been clarified to show that it also would occupy area on the east side of Osgood Road.

The illustration of the Warm Springs Transit Center has been clarified to indicate that the bus guideway would extend only along a portion of the Warm Springs Transit Center and not along the entire western perimeter. In addition, buses from VTA and AC Transit would access the Warm Springs Transit Center at an entrance midway along the site's Warm Springs Boulevard frontage, and there would be no bus routes along the southern perimeter of the site.

Chapter 6 (Other CEQA Considerations)

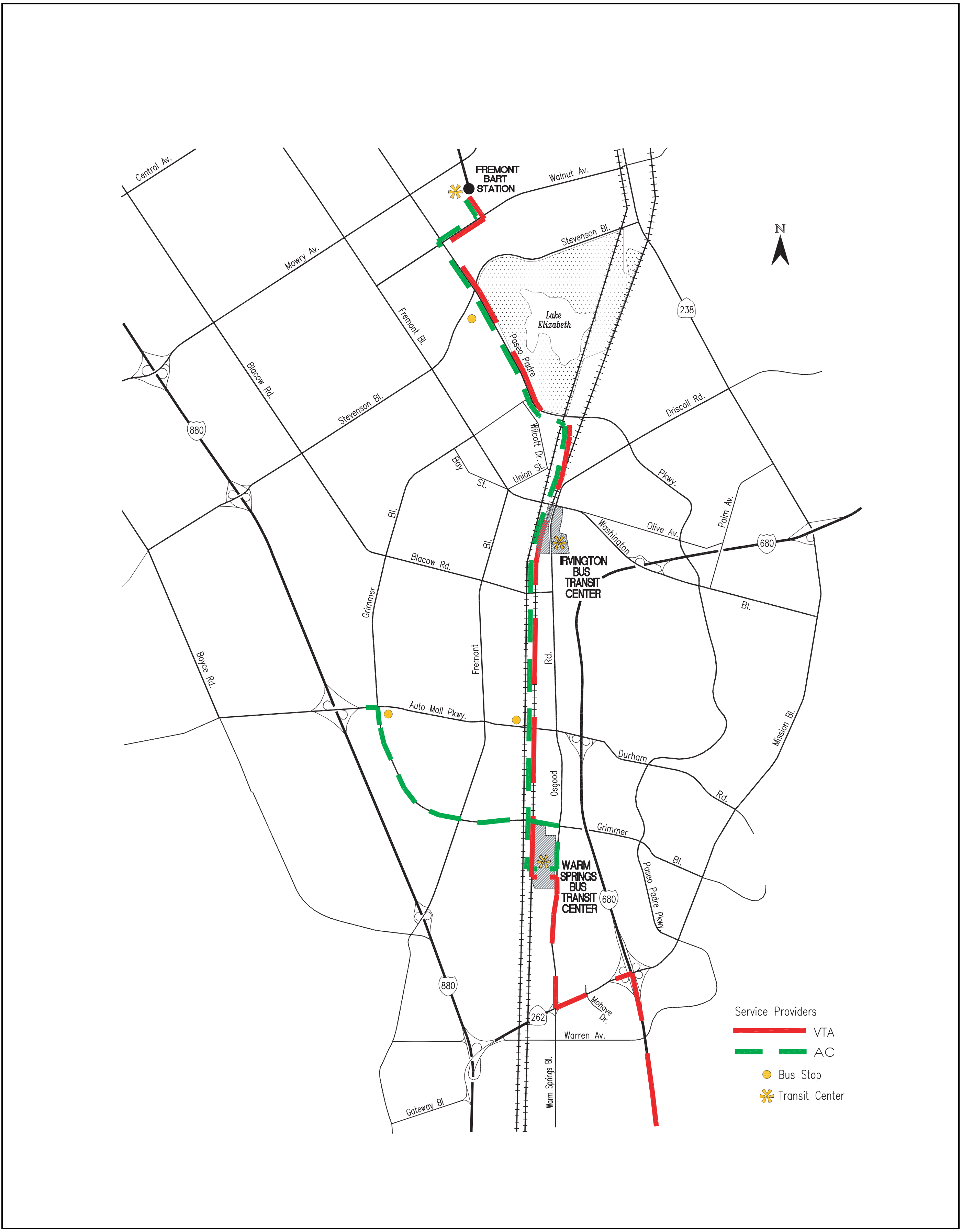
The paragraph under "Land Use" on page 6-6 of the DSEIR is hereby revised as follows:

> Rather, land use intensification through transit-oriented development (TOD) and access planning surrounding future station sites is being ~~will be~~ addressed through a comprehensive community-based process. For the area surrounding the optional Irvington Station site, this process has already resulted in the Irvington Concept Plan, which the City Council is expected to act on in the near-term. A similar process will be undertaken by the City of Fremont in coordination with BART and other stakeholders in 2003 for the Warm Springs Station Area Specific Plan.

Appendix N (Transportation Technical Report)

The second bullet point on page 3-1 of Appendix N of the DSEIR is hereby modified as follows:

> The Alameda Countywide Model did not include the 2010 forecast year or a recent base year validation (the last base year validation was based on ~~1995~~ 1990 conditions). The Countywide model was updated in 1995.



02041.02 (6/03)

Source: DKS Associates 2003.

Figure 5-1
Proposed Bus Alternative Alignment